



PUBLIC HEARING

TUESDAY, NOVEMBER 27, 2012 AT 6:30 P.M.

AT

CHATHAM COMMUNITY CENTER
702 MAIN STREET
CHATHAM, MA 02633

FOR THE PROPOSED

BRIDGE REPLACEMENT, C-07-001,
BRIDGE STREET OVER THE MITCHELL RIVER
Project File No.: 603690
Accelerated Bridge Program

IN CHATHAM, MASSACHUSETTS

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
HIGHWAY DIVISION

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 Mark Shamon, Vice President Engineering Services,
 URS Corp.

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1 So, tonight's meeting is a public
2 hearing on the Environmental Assessment. This was the
3 NEPA classification that Federal Highway determined to
4 be appropriate for this project. The hearing was
5 publicly advertised in the following newspapers: the
6 *Boston Globe* and the *Cape Cod Times* on November 13 and
7 20th of 2012, the *Cape Cod Chronicle* on November 15th
8 and 22nd of 2012, and the *Cape Codder* on November 16th
9 and 23rd of 2012. The notices as they appeared in the
10 newspapers will be included as part of the transcript.

11 Once we receive the transcript, we will
12 be providing that to the Town so they can post it on
13 the Town website, and that will be available for
14 everybody.

15 So, project funding. As most of you
16 know from past meetings, this project is being funded
17 under the Accelerated Bridge Program. The Accelerated
18 Bridge Program is an eight-year program that started
19 in the summer of 2008 and continues through 2016.
20 This program allocated approximately \$3 billion to
21 repair, replace, and rehabilitate bridges throughout
22 the Commonwealth.

23 The Mitchell River Bridge is currently
24 programmed at approximately \$12 million. The funding

1 is being funded in part by Federal Highway. They're
2 going to be funding approximately 80 percent of the
3 project, with the Commonwealth picking up the
4 remaining costs. These costs are for the construction
5 of the bridge and all the associated work with the
6 bridge.

7 The bridge is owned by the Town of
8 Chatham. So, any repairs and maintenance over the
9 life of the bridge will be borne by the Town.

10 Currently, we're scheduled to complete
11 the process, the environmental process, all the
12 permitting, the design, and right of way so that we
13 can advertise this project by October of 2013. And we
14 anticipate the construction would start in the spring
15 of 2014.

16 So, the purpose of tonight's public
17 hearing is to seek public comment on the Environmental
18 Assessment for the project. The EA was made available
19 to the public the week of October 29th, 2012, and
20 comments are due by December 7th. This allows for a
21 minimum of 30 days of public comment.

22 The EA is also available on the Town
23 website and has been provided here tonight for viewing
24 prior to the start of the meeting.

1 So, with that, I'm going to turn it
2 over to a PowerPoint presentation by Mark Shamon where
3 he's going to explain the main sections of the EA.
4 I'd ask that you please hold all of your comments
5 until the end of the presentation.

6 MARK SHAMON: Okay. Thank you, Joe.
7 Again, Mark Shamon from URS, project manager,
8 principal in charge.

9 I hope you can all read this. The way
10 the PowerPoint is, it's sort of backwards on my
11 screen. So I'll do the best I can here.

12 So, we're here talking about an EA
13 tonight. And this follows NEPA protocols. This is a
14 federal action. NEPA has three potential classes of
15 action.

16 Class 1 would be an Environmental
17 Impact Statement, which would be for basically a new
18 project or a project which would have very significant
19 environmental impacts.

20 Class 2 is a Categorical Exclusion.
21 That's a very brief summary type environmental
22 document. That's actually how this job started from
23 MassDOT's point of view.

24 And then Class 3, which is where we are

1 today, is an Environmental Assessment, which is a more
2 detailed project where there may be some more detailed
3 project review where alternatives are considered that
4 may have more or fewer environmental impacts.

5 So, the purpose of the NEPA process is
6 to invite -- to give, first of all, the federal
7 agencies and state agencies and others an opportunity
8 to weigh the engineering and technical benefits of a
9 project versus the environmental, public, and other
10 types of considerations that may be involved in a
11 project so that they can come to a rational decision
12 on a build project.

13 As noted here, the Footprint Bridge
14 Program, which this project is within MassDOT, offers
15 certain exemptions from processes. And those include
16 the state process for the Massachusetts Environmental
17 Policy Act, or MEPA. It is exempt from Chapter 91,
18 which is a licensing mechanism for structures built in
19 tidal waterways, and it's also exempt from the
20 Wetlands Protection Act, which many of you probably
21 know is actions which go before the Conservation
22 Commission. So, this project will not go before the
23 Chatham Conservation Commission.

24 It is still subject to other types of

1 environmental reviews, both state and federal. So,
2 there are other opportunities for people to comment on
3 the environmental side of things.

4 So, just quickly, this is basically the
5 table of contents for the Environmental Assessment.
6 And it's a structured process. It starts with the
7 project history, talks about the purpose and need,
8 looks through the alternatives, the affected
9 environment. It moves on to things like indirect and
10 cumulative impacts, and Section 4(f), which is a part
11 of this project as well.

12 So, just a quick project summary. Of
13 course, the Mitchell River Bridge has a long history
14 here in Chatham. Going back to the start of the
15 beginning of the modern era of the bridge, it goes
16 back to the 1850s or 1870s. I saw a couple of
17 different dates. But, effectively, the first -- one
18 of the first wooden bridge crossings occurred during
19 the 1800s. And the bridge was, as I understand it,
20 quite a bit longer than it is right now. It was
21 rebuilt in 1925 at which time they actually extended
22 the causeway out and shortened the bridge to just
23 basically over what we know now as the Mitchell River
24 and the channel there.

1 The bridge was amended in 1949 actually
2 by widening it so it would allow for two lanes of
3 traffic, one in each direction. And then the
4 superstructure of the bridge was rebuilt in 1980. And
5 when I say superstructure, I basically mean everything
6 that sits above the piles which support the bridge, so
7 all of the timber beams, and the structures, and the
8 deck, and all that, and the sidewalks, were all built
9 most recently in 1980.

10 The piles that are out there are
11 basically the 1925/1949 version. They were creosote
12 piles. There were additional piles, maybe some
13 removed and a few more put in, in 1980. But, by and
14 large, the piles that are there now are from the
15 1925/1949 era.

16 So, project development. Many of you
17 probably were with us here back in September 2009 when
18 MassDOT first presented this project as a bridge
19 replacement project. It was looking to be a pretty
20 standard MassDOT style bridge with all new materials
21 from the piles on up. There was a couple of different
22 meetings there in 2009, September, October, November,
23 where there was a lot of back and forth with members
24 of the community regarding the aesthetics of the

1 bridge. If you'll recall, MassDOT was pretty adamant
2 that they were going to maintain a more or less modern
3 superstructure, but they were looking to add certain
4 types of wood accents from a wood sidewalk to maybe
5 wood decking, and wood decking on the sidewalk, and
6 other types of things.

7 The project evolved for a little bit
8 and we went actually to a 25 percent design and sketch
9 plans. And those were submitted. And, actually, a 25
10 percent public hearing was held in March 2010 based on
11 one of those more modern bridges with, as I said, some
12 wood accents.

13 At that time, it was thought that the
14 bridge would go forward as a more modern style bridge.
15 MassDOT, going back sometimes even I think before
16 2009, it had some correspondence with the State
17 Historic Preservation Office. The State Historic
18 Preservation officer did not believe that this bridge
19 was historic, and so MassDOT, again, was proceeding
20 forward as if there were no historic implications here
21 or very minimal historical implications.

22 But in the middle of 2010, things
23 changed. There was a petition made to the National
24 Keeper or the Keeper of the Record of National

1 Register -- I forget exactly the terms -- but this was
2 sent to FHWA's keeper. And the keeper found or made a
3 decision in October 2010 that, in fact, this bridge
4 would be eligible for registration on the National
5 Register.

6 So, that changed where we stood. It
7 meant that the project basically had to go back to
8 square one and give proper and thorough consideration
9 to options that were not only the modern bridge, but
10 other types of bridge structures that might still
11 fulfill the purpose and need, which I'll get to in a
12 minute.

13 The upshot is that after a period of
14 time, again beginning in October 2010 and finishing
15 through 2011, and then actually into 2012, MassDOT,
16 FHWA, consulting parties, and other parties associated
17 with the consulting parties' process, went through
18 these option studies, again, which I'll go into in a
19 little bit. And, ultimately, in March, April, and May
20 of this year, the consulting parties signed a
21 memorandum of agreement, which brought the project to
22 the point of being able to produce this Environmental
23 Assessment. So, this is the next step after that
24 memorandum of agreement was signed.

1 So, getting to the project purpose, the
2 purpose of the project is to eliminate structural
3 deficiencies and overcome functional obsolescence,
4 while considering the context of the surrounding area
5 and accommodating existing and future uses of the
6 bridge.

7 And I'll get into it in a little bit,
8 but you can see here in these photographs up on the --
9 excuse me -- on the upper right here. This is the
10 counterweight. This is one of the measures that help
11 the bridge open and close. And you can see this
12 counterweight is severely corroded.

13 It's jumping on me. Sorry about that.
14 And then -- it's really jumping. I'm not going to
15 touch anything.

16 Down below that, you can see there's a
17 wooden pile. And there's a significant brooming and
18 deterioration of the piles. And, in fact, there are
19 many other deficiencies that have been identified in
20 the bridge. There's a sufficiency rating which is
21 below 50. And, in structural terms, this means that
22 the bridge itself is structurally deficient. There's
23 very significant problems with it. The deck geometry
24 is intolerable and high priority of replacement. The

1 sidewalks don't meet the Americans with Disabilities
2 Act. We need to allow for four-foot sidewalks with a
3 minimum of three-foot clearance at any minimal
4 obstruction. You can see that the winches allow very
5 little clearance there, and then the drawspan opening,
6 which currently violates the permit that was issued in
7 1980 for the bridge. When the permit was issued, it
8 was issued with the idea that this bridge would have
9 unlimited vertical clearance for the channel width,
10 which is 19'4", and, as you can see here, this bridge
11 only opens to about 75 degrees rather than 90 degrees,
12 thereby limiting the clearance and the ability of
13 vessels to get through the channel.

14 So, these are all very significant
15 problems. They have led to consideration and thoughts
16 of what we need to do with the bridge. What we did in
17 considering the alternatives -- and these alternatives
18 are coming out of a study that MassDOT commissioned.
19 URS prepared actually two different studies. One was
20 a rehabilitation and repair option study, the second
21 one was the lifecycle cost analysis and valuation
22 alternatives evaluation. The first one, basically
23 using the data that we had, the sufficiency rating,
24 the problems with the bascule span not lifting, and

1 the fact that the counterweight is tipping into the
2 water, and the numerous problems with the
3 substructure, the piles, the bracing underneath all
4 being corroded, it really came to the point where I
5 think everybody decided and understood that the bridge
6 had to be replaced.

7 So, knowing that the bridge had to be
8 replaced, again, MassDOT commissioned an alternatives
9 evaluation. URS initially reviewed five alternatives.
10 They're numbered one through five. One of them was an
11 all wood alternative, Alternative 1, which was
12 basically going to replicate the all wood bridge that
13 was there today, including providing for only a 19'4"
14 drawspan, but it would have had full vertical
15 clearance; and then, going on from there, Alternative
16 2 was all wood, but with a concrete and steel bascule
17 span; Alternative 3, wood superstructure; Alternative
18 4, a little bit more concrete and steel; and
19 Alternative 5, which really goes back to the original
20 bridge that was designed for the 25 percent back in
21 2010. But all of these bridge types, based on input
22 from the community, were going to have a 25-foot wide
23 unlimited vertical clearance type drawspan.

24 Just prior to presenting these five

1 alternatives to the consulting parties at that time,
2 in May of 2010, MassDOT also asked that we look at a
3 couple of other alternatives in the all wood or more
4 or less all wood variety, one of them being
5 Alternative 1A, which was very much like Alternative
6 1, except it provided for a 25-foot drawspan, but it
7 still suffered from issues related to the
8 counterweight dipping into the water and some other
9 issues that made it infeasible, and then Alternative
10 1B, which, again, was virtually all wood, but it did
11 allow for the counterweight to be built within or to
12 rotate within an enclosed bascule pier.

13 So, these were all considered. They're
14 in the lifecycle cost analysis. As a matter of fact,
15 for those who don't have it or don't remember it and
16 want to look at it later, I did bring copies of the
17 appendices to the EA in which all these reports
18 appear. So it's up front. And it will also be
19 offered to the public library. So it will be here in
20 your library after tonight.

21 So, looking at the seven alternatives
22 after that May meeting, it really came down to
23 basically two alternatives that MassDOT considered
24 going forward in the EA and through its memorandum of

1 understanding with the consulting parties.
2 Alternative 1B, as I mentioned -- I don't dare touch
3 this. I would zoom in. I apologize, but it's going
4 to jump. But, Alternative 1B on the left has a
5 structure somewhat similar to today with cables that
6 would be quite a bit heavier, and sheaves and sheave
7 poles that would be a little more stiff and a little
8 more observable, if you will, than the system they
9 have out there today.

10 And then Alternative 3, which is an all
11 wood superstructure, and, again, superstructure is
12 basically everything above the piles and the pier caps
13 that are holding up the bridge. So, Alternative 3 has
14 a very low profile. It doesn't have anything
15 overhanging or lifting. All the lifting mechanism is
16 done from the bascule pier. All the mechanics, all
17 the equipment is also inside that bascule pier. So
18 it's a very neat profile type structure. So those
19 were our two alternatives.

20 There was, obviously, quite a bit of
21 interest from certain individuals and parties, both
22 here locally, and throughout the state and nationally,
23 in pursuing the Alternative 1B. And, you know,
24 MassDOT was more interested in alternatives that kept

1 wood out of the water. They've had a number of
2 problems with bridges and other types of structures,
3 piers with wood in the water. I was at more than one
4 meeting with FHWA, and they also expressed several
5 concerns about bridges that they were aware of where
6 there was wood in the water. It just doesn't last the
7 full 75 years, which is really the basis for design at
8 this point in the industry and throughout the country.

9 So, looking at a 75-year design and
10 other factors, Alternative 1B, as elegant as it may
11 be, as close to the existing structure as it may be,
12 it was still going to offer some design challenges and
13 some operational challenges. One of the things that
14 concerned us as designers is trying to -- or
15 maintaining a safe structure and maintaining all the
16 codes when the bridge is in its up position and
17 there's a wind condition. There's a situation where
18 the cables could become slack, and they're not allowed
19 to become slack. In order to overcome that, the
20 cables would have to get very thick, very large. And
21 then the sheave, which is that circular wheel-type
22 structure up at the top there, in order to satisfy the
23 requirements on the cable itself, would have probably
24 gone to something like four feet in diameter, where

1 the ones out there today are actually about two feet
2 or 18 inches I think in diameter. So, that would have
3 got much bigger, much stiffer, and more expensive, and
4 more difficult to operate or maintain in the future.
5 So, for many different reasons, MassDOT pursued and
6 identified Alternative 3 as its preferred alternative
7 and has worked since then since this Alternative 3.

8 So, again, talking about the
9 alternatives and the benefits, the lifecycle cost
10 study described the alternatives in greater detail.
11 And, again, there is a copy of the lifecycle cost
12 study here. If you haven't seen it, I believe it may
13 also be on the Town website.

14 Alternative 3, again, identified as the
15 preferred alternative, was found to best satisfy the
16 project purpose and needs. We believe that it's a
17 fair balance of a content sensitive timber
18 superstructure with a concrete-steel substructure,
19 maintaining the DOT's concern and making sure that we
20 have something other than wood in the water, while
21 maintaining a nice contextual feel with the wood up
22 top.

23 It does provide for reduced maintenance
24 costs over the life of the bridge for the Town of

1 Chatham. Again, most of the cost -- although the
2 lifecycle costs for Alternatives 1A -- excuse me -- 1B
3 and 3 -- were roughly equal, where the costs came from
4 and when they occurred were much different.
5 Alternative 3, the costs were up front. They're
6 basically in the construction that's going to be
7 produced by MassDOT. In Alternative 1B, there would
8 have been some upfront costs obviously to construct
9 the structure, but the longer-term costs would have
10 been borne by the Town to maintain it, replace the
11 piles every 30 years or so. So, it would have been
12 much more costly to the Town in the end.

13 It does provide -- Alternative 3 this
14 is -- provides a reliable bascule span with improved
15 channel alignment and opening for mariners. And I'm
16 going to get to that in a second here. And then it
17 reduces the environmental impacts associated with
18 future substructure repairs and replacements. Again,
19 that goes to the fact that the piles would
20 theoretically have to be replaced every 30 years.
21 You'd be going through the environmental process of
22 pulling piles or cutting them off, putting new piles
23 in, and going through another permit process. So,
24 this is seen to reduce the environmental impacts

1 associated with the future substructure construction.

2 So, we have made some changes as well.

3 As I've mentioned, we've gone from the 19'4" channel

4 width up to a 25-foot channel width. Also, since --

5 even since the EA was published, we've had some more

6 suggestions and made some more changes this year.

7 Again, at this scale it's a little bit hard to read

8 and I apologize, but what it shows is that we've

9 shifted the channel width, the channel location

10 actually, about five feet to the west. And with the

11 widening of the channel, you can see the old channel

12 is marked basically by the red lines, and the new

13 channel is highlighted in the purple.

14 You can see the new channel is wider

15 and it's also been shifted. And the profile view

16 shows that the shift occurs and basically actually

17 puts the channel better aligned with the bottom and

18 the deepest part of the channel as well. So, we're

19 both shifting and we're widening, and it should be --

20 and the new bridge will be much easier for the

21 mariners to navigate through.

22 Talking about the effective environment

23 -- and these are all items that are identified in the

24 EA -- this is a nice resource area. There are

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1 shellfish beds. There's an embayment with many marine
2 species, both animal and vegetable. And then there's
3 also a public access to the waterway. There are --
4 obviously, this is a place that's enjoyed by all types
5 of individuals on the recreation side, on the
6 commercial side, on basically every side that you can
7 think of. And we do know that people walk down to the
8 bay to do their shellfishing, or they'll be up on the
9 bridge and they'll be looking out, they'll be fishing
10 from the bridge. So, we do understand that there is
11 an environment here that needs to be considered and
12 protected, and damage is mitigated to the maximum
13 extent practicable.

14 We did look at indirect effects,
15 cumulative impacts. And, you know, the indirect
16 effects, the basis for review of indirect effects
17 comes from the Council on Environmental Quality and
18 the Regulation 40 CFR, which is actually where the EA
19 requirements come from as well. But this is --
20 indirect effect is caused by the action and are later
21 in time or further removed in distance, but are still
22 reasonably foreseeable. Cumulative impacts result
23 from the incremental impact of the action when added
24 to other past, present, and reasonably foreseeable

1 future actions.

2 We reached a conclusion in the EA that
3 temporary construction-related impacts would not be
4 significant or sustained with the preferred
5 alternative.

6 Section 4(f), so we have two Section
7 4(f) issues that we face. And, again, Section 4(f) is
8 a consideration that FHWA needs to consider when
9 constructing projects, either new or rehabilitated
10 reconstructed, where there will be an impact to what's
11 considered to be a 4(f) resource. And we have two
12 resources.

13 One is the path. There's a path in the
14 southeast quadrant of the bridge right now. It's used
15 by individuals going down to the Mitchell River on the
16 south side of the bridge, on the southeast section.
17 And that happens to be titled to the Town, and it is
18 considered a public resource area. So, impacts to
19 that need to be considered a 4(f) impact. And, within
20 the EA, there is a description and analysis which
21 clarifies that this is a de minimis impact, that the
22 impact to the path is minor. It is something that has
23 to happen in order to rebuild the bridge, but, also,
24 MassDOT is committed to maintaining an access path

1 that will serve for maintenance, but will also serve
2 in the future for people to get down to the areas that
3 they get down to today. So, there is an impact. It
4 will occur during construction. But there will be a
5 path maintained in the future.

6 And then, secondly, the other impact,
7 of course, is the bridge itself. Once it was
8 declared, or eligible for the National Register, it is
9 itself a 4(f) resource and needed to be considered as
10 such. And, you know, really, the facts are that the
11 bridge had to be removed. It had to be replaced with
12 something. So there's really no avoidance of the
13 impact to the 4(f) structure itself. And we believe
14 that the bridge that is going to be replace it meets
15 the requirements for a replacement of a structure of
16 this type.

17 Mitigation. There is quite a bit of
18 mitigation that's being done, both the environmental
19 impacts and MassDOT. And, all DOTs and constructors
20 everywhere look to avoid, minimize, or mitigate
21 impacts as they may occur. We have looked and
22 actually worked mostly in the last three to six months
23 -- yeah, three to six months or so -- on ways that we
24 could avoid the impacts. We've had a number of

1 conversations with the environmental groups and other
2 regulatory agencies, including the U.S. Coast Guard,
3 and have looked at ways to avoid, minimize, or
4 mitigate.

5 There is, I mentioned before, there is
6 eel grass and other types of resources. In the last
7 few weeks, we've actually made substantial changes to
8 the approach structures, putting in some retaining
9 walls, so as to be able to avoid actually creating any
10 impact to the eel grass. Or, if there's going to be
11 any, it will be right on the edge and something that
12 will be easy to be repaired. So, we've pulled things
13 in a little bit.

14 Where we have not been able to avoid an
15 impact, we're certainly working to minimize it. And
16 we will be putting riprap around the abutments to
17 protect them in the future against scour. In order to
18 construct those, we're actually going to have the
19 contractor construct cofferdams, which are basically
20 steel enclosures, which allow them to work inside.
21 And it actually gives them a hard and firm stop point,
22 if you will, so they're not going further out into the
23 river than they absolutely need to to do the work.
24 So, again, a minimization measure.

1 We will be putting down various types
2 of mats and, as we see here on the right, turbidity
3 curtains, which will go around the structures. We do
4 have some periods of time where the environmental
5 agencies are not going to let us work directly in the
6 water. That's generally in the late winter, mid-
7 winter, into early spring. And I think it's January
8 15th to May 15th, or something along those lines, where
9 we're not able to work directly in the water. So
10 we'll also be putting up turbidity curtains. We'll be
11 building these sheet-pile type cofferdam structures in
12 the period where we can work in the water so that we
13 can work also -- we can continue to work on the
14 bridge, even when we can't be working directly in the
15 water. So, these are some of the mitigation details
16 that we're putting together.

17 As I said, we're going to protect
18 public access by maintaining paths on both sides of
19 the bridge, both sides of the -- excuse me -- on both
20 sides of the east abutment because there's access
21 paths on both sides. So there will be maintenance
22 paths maintained on both sides of that. And we'll be
23 putting up silt fence and matting and doing other
24 types of things, again, all in an effort to try to

1 mitigate and minimize any sort of impact. And, also,
2 based on the discussions we've had recently with both
3 the Coast Guard and the EPA, it looks like a lot of
4 the existing piles will be removed. Certainly, the
5 Coast Guard has said that they want all of the piles
6 that are within the navigable channel to be removed.
7 So, all those wood piles are going to be removed in
8 their entirety. Whereas, for a while we were thinking
9 that we'd basically snap them off two feet below the
10 waterline -- excuse me -- the mud line. But those are
11 all going to be removed.

12 And then more recently, I think last
13 week or a week-and-a-half ago, there was a meeting
14 with EPA and DEP and the Army Corps of Engineers. And
15 it was thought that we should be removing all of the
16 piles, that they're very concerned about the creosote
17 piles and maintaining any sort of the old piles in the
18 ground. So, it looks like a lot, if not all, of those
19 piles are going to come actually right out of the
20 ground permanently.

21 So, again, going to permits, we have to
22 get a U.S. Coast Guard permit. A draft permit
23 application has been submitted and reviewed by the
24 Coast Guard. They were here for their site visit back

1 in October. That's where we had basically agreed that
2 we would remove the piles from the channel. They had
3 some other concerns. And we've met with some of the
4 folks from the Town here who were with us as well.
5 And we'll incorporate some of the Town concerns as
6 well into the new design, including things that we're
7 going to do with the fendering to improve the
8 fendering system and such.

9 As I mentioned, there's an Army Corps
10 of Engineers permit that's required; Section 404,
11 Department of Environmental Protection; Section 401,
12 Water Quality Certificate; and a consistency review
13 that needs to be completed by the Office of Coastal
14 Zone Management here in Massachusetts. Drafts of
15 those permits have been prepared and are with MassDOT
16 undergoing review before submittal to the agencies.

17 So, just, again, the EA was drafted and
18 put out in November 1st. Comments are due to MassDOT
19 and to the FHWA, care of Pam Stephenson at the address
20 here, and Tom Broderick at DOT, attention to Mike
21 Bastoni. Again, they're due on December 7th.

22 And, with that, I think we are done.

23 MODERATOR PAVAO: Thanks, Mark.

24 Before we open it up to public

1 comments, I just want to remind everyone that this is
2 an opportunity for you to comment on the Environmental
3 Assessment. Even if you provide comments verbally
4 tonight, I would ask that you please put them in
5 writing and submit them to the Department. You can
6 keep the address up, Mark.

7 We do have more comment forms at the
8 front desk if anybody needs extra ones, so if they
9 need one to put comments on, we can provide them.
10 Also, you can mail them in. Or, if you'd like, if you
11 have it tonight, you can leave it with myself or Mike,
12 and we'll make sure it gets incorporated with all the
13 other comments.

14 Before we open it up to the general
15 public, are there any elected officials that would
16 like to speak first or comment on the project?

17 (No response.)

18 MODERATOR PAVAO: Well, if not, then
19 we're going to open it up to the general public. I
20 would just ask that you please stand, state your name
21 for the record. Yes, Florence?

22 FLORENCE SELDIN: I have a couple of
23 questions.

24 MODERATOR PAVAO: Yes. Sure.

1 FLORENCE SELDIN: Should I save them
2 for later?

3 MODERATOR PAVAO: No, you can do it
4 now.

5 FLORENCE SELDIN: It's on, yeah.
6 That's right. I forgot it's voice activated.

7 Florence Seldin, Chatham Board of
8 Selectmen.

9 First of all, thank you for the
10 presentation and for, also, I think a very fair and
11 complete assessment and analysis of all alternatives,
12 but particularly 1B and 3. And, of course, three was
13 the preferred alternative that the Board of Selectmen
14 supported.

15 But, a couple of things. You have a
16 section on traffic control. Is it appropriate to say
17 anything about that at this time or will that be when
18 you have the design public hearing at some future
19 point?

20 MODERATOR PAVAO: I'm sorry. Say the
21 question again, Florence.

22 FLORENCE SELDIN: There's a section on
23 page 13 --

24 MODERATOR PAVAO: Yes.

1 FLORENCE SELDIN: -- that relates to
2 traffic control, the road and the sidewalk. So, my
3 question, although it's not specifically environmental
4 assessment, it's in there. I'm wondering whether I
5 can ask my -- should ask my question, or is that
6 something that you will take up in the design public
7 hearing whenever that's held?

8 MODERATOR PAVAO: Well, we had a design
9 public hearing.

10 FLORENCE SELDIN: Well, the 75 percent
11 I guess.

12 MODERATOR PAVAO: Yeah, we're going to
13 have a progress hearing at 75 percent. We plan on
14 coming back to the public. So, we'll have more detail
15 on it.

16 So, you're asking specifically about
17 the details of the gates?

18 FLORENCE SELDIN: Well, there are a
19 couple of questions related to that whole issue of
20 safety which we've raised before, and a number of
21 residents have raised with you before. I know there's
22 a 30 mile speed limit. But, currently, the wood
23 structure, the planks are parallel.

24 MODERATOR PAVAO: Correct.

1 FLORENCE SELDIN: I mean that's in your
2 proposal. Currently, they're horizontal. Can you
3 tell me why? People seem to feel that the horizontal
4 wood helped to slow the traffic more than the
5 parallel. Why is that not a possibility rather than
6 the parallel?

7 MODERATOR PAVAO: It actually is. The
8 plans have been updated as we've had discussions over
9 the last year-and-a-half. I think it's shown parallel
10 right now with the bridge, with the roadway.

11 FLORENCE SELDIN: Yeah.

12 MODERATOR PAVAO: We are going to put
13 them at a -- I believe it's at a 45-degree angle,
14 Mark?

15 MARK SHAMON: Yeah, we're putting them
16 in at herringbone, so similar to what you have today.

17 FLORENCE SELDIN: So more at a
18 horizontal, which would help slow the traffic.
19 Obviously, the residents in the area are very
20 concerned about the safety issue if you look at the
21 long road and they come zooming over the bridge.

22 MODERATOR PAVAO: Correct. Yeah. And
23 as far as the speeding issues that have come up, we've
24 addressed that. There is a response from DOT up on

1 the Town's website that I would refer everyone to
2 regarding speeding --

3 FLORENCE SELDIN: Yeah.

4 MODERATOR PAVAO: -- and the design
5 speed.

6 FLORENCE SELDIN: Okay. Well, the
7 design speed is 30 miles per hour.

8 MODERATOR PAVAO: Correct. Correct.
9 But I thought there was some confusion on design speed
10 versus posted speed. Of course, we're not raise --

11 FLORENCE SELDIN: Okay. We can do our
12 own posted speed.

13 MODERATOR PAVAO: Correct.

14 FLORENCE SELDIN: Okay. My other
15 question relates to you discussed the path on the
16 southeast corner of the bridge. There is a private --
17 and that's Town owned.

18 MODERATOR PAVAO: Correct.

19 FLORENCE SELDIN: There is a private
20 path on the southwest corner which provides access
21 down to the water.

22 MODERATOR PAVAO: Correct.

23 FLORENCE SELDIN: It's not in here. Is
24 that the responsibility of the Town? How do you

1 propose to approach that?

2 MODERATOR PAVAO: Well, as part of --
3 during construction, we are going to be -- we are
4 going to be taking up some of that area in order to
5 put the riprap for the bridge. During construction,
6 we'll have hay bales. Outside of the hay bales, we
7 will be maintaining the two paths as they are today.
8 They'll be relocated, but they will be in a similar
9 manner to what they are today.

10 At the end of construction, those
11 paths, although we're going to call them a maintenance
12 access path, it will be available to the public. It
13 won't be gated or closed off.

14 FLORENCE SELDIN: Okay.

15 MODERATOR PAVAO: So there will be the
16 same access that exists today.

17 FLORENCE SELDIN: But the one on the
18 southwest corner, Joe, is private.

19 MODERATOR PAVAO: Correct.

20 FLORENCE SELDIN: So, we have to
21 provide --

22 MARK SHAMON: Are you talking about the
23 northeast and southeast?

24 MODERATOR PAVAO: You're talking about

1 the northeast and south --

2 FLORENCE SELDIN: Well, there's a path
3 on the southeast corner going down to the water, on
4 the opposite side. Is that north?

5 MARK SHAMON: Northeast.

6 MODERATOR PAVAO: That's north. Yeah.
7 Okay.

8 FLORENCE SELDIN: It's north. Okay.

9 MARK SHAMON: Yes. Both are going to
10 be maintained, as Joe said. I just wanted to clarify.

11 FLORENCE SELDIN: Okay.

12 MODERATOR PAVAO: One is on private
13 property.

14 FLORENCE SELDIN: Yes.

15 MODERATOR PAVAO: We need to do some
16 taking. We're going to be doing a taking because we
17 need to install riprap. And we also need to maintain
18 I think it's going to be a two- or three-foot
19 maintenance access path so DOT can go out and inspect
20 the bridge, the riprap, and perform maintenance. So,
21 there will be a small taking in order to accomplish
22 that. As a result, you'll end up with a path that
23 will be available to the public as it is today.

24 FLORENCE SELDIN: And then, finally, I

1 know you know about this, there has been some
2 question, I know our staff has brought it to your
3 attention, the width of the bridge is different in the
4 EA than it was in a 25 percent design that you sent to
5 the staff. Can you comment about that? It's small --
6 it's --

7 MARK SHAMON: Yeah, I mean we've made
8 changes since then. I think basically my conversation
9 with Joe, we're going to take another look at it. We
10 had thought we would be maintaining the out-to-out
11 width of the bridge per the older design where we had
12 26, excuse me, 28 feet, or 28-foot curb-to-curb, or
13 30-foot curb-to-curb, whatever. But I think we're
14 going to pull that back in a little bit so the
15 sidewalk will get a little bit narrower.

16 FLORENCE SELDIN: Yeah, because in the
17 EA it says the roadway width is 24 feet, and then the
18 sidewalks are two to five feet, which would give us
19 like a 34-foot bridge. But when I talked to Tad, he
20 said he had pointed out to you there was some
21 discrepancy.

22 MARK SHAMON: He has. And we've spoken
23 about it earlier. We'll straighten that out with Tad.

24 FLORENCE SELDIN: Okay. Very good.

1 That's it. Thank you.

2 MARK SHAMON: Thank you.

3 MODERATOR PAVAO: Go ahead, George.

4 GEORGE MYERS: Good evening. I'm
5 George Myers, a resident of Chatham and one of the
6 Section 106 consulting parties.

7 First of all, I want to commend the
8 Federal Highway Administration, and Mass. Department
9 of Transportation, and all of the other participating
10 parties for their painstaking and thorough efforts in
11 the completing of a very difficult year-and-a-half
12 long Section 106 proceeding. That proceeding
13 culminated in a memorandum of agreement to replace the
14 Mitchell River Bridge with the preferred Alternative 3
15 bridge that was shown here tonight. Overall, I
16 believe Federal Highway and MassDOT have done a
17 splendid job in bringing the Mitchell River Bridge to
18 this point.

19 In my remarks tonight, I'll address
20 primarily that portion of the Environmental Assessment
21 that relates to Section 4(f) of the Transportation Act
22 of 1966. That section says that an historic site may
23 be used only if there's no prudent, feasible
24 alternative to its use. And use in this case is its

1 demolition.

2 Chapter 10 of the Environmental
3 Assessment deals with the applicability of Section
4 4(f) to the Mitchell River Bridge project. In the
5 simplest terms, the federal rules implementing Section
6 4(f) permit Federal Highway to develop what are called
7 time saving measures, the Programmatic Section 4(f)
8 evaluations. Those are based on Federal Highway's
9 experience with certain types of projects nationwide.
10 Federal Highway has developed five of those
11 programmatic evaluations, one of which relates
12 specifically to historic bridges like the Mitchell
13 River Bridge.

14 The complete procedure is contained in
15 four pages in a document on Federal Highway's website.
16 I'll attach a copy of that procedure to my remarks
17 tonight.

18 Federal Highway and MassDOT prepared
19 the Section 4(f) evaluation for the Mitchell River
20 Bridge project according to the procedures in this
21 document. The procedures and the federal rules
22 authorizing them were discussed in the Environmental
23 Assessment, but were not included in the list of
24 references at the end. I believe both should have

1 been listed because they are the only regulatory basis
2 for Federal Highway's finding on page 45 that there's
3 no prudent and feasible alternative that would avoid
4 demolition and replacement of the bridge.

5 And I have two additional comments
6 concerning the Programmatic Section 4(f) evaluation
7 that begins in Section 10.6 of the Environmental
8 Assessment.

9 On page 41, there are four alternatives
10 listed in the first column that includes bridge
11 replacement alternative. To me that's confusing
12 because bridge replacement should not be included
13 among the alternatives for the Programmatic Section
14 4(f) evaluation. It's not one of the three listed
15 alternatives. And those alternatives are listed on
16 the second page of this document. And the
17 alternatives are do nothing; the second alternative is
18 build another structure either north or south of the
19 bridge; and the third is rehabilitate the bridge. So,
20 according to the Programmatic Section 4(f) evaluation,
21 bridge alternatives, or bridge replacement
22 alternatives, are not even part of this examination or
23 evaluation.

24 In addition to that, the evaluation

1 document says that the list of those three
2 alternatives is intended to be all-inclusive. So,
3 bridge replacement alternatives should not be among
4 the alternatives listed on page 41.

5 I wanted to call attention to that
6 because it could be construed that the selection of
7 the preferred alternative from the seven Section 106
8 design alternatives is governed by Section 4(f), as
9 some consulting parties have argued in the past.
10 However, according to the specific language of the
11 evaluation procedure that I just pointed out, the
12 bridge replacement is not at all part of the
13 Programmatic Section 4(f) evaluation. What that means
14 is that the preferred alternative for replacement of
15 the Mitchell River Bridge is governed solely by
16 Section 106 and the memorandum of agreement that was
17 reached.

18 My second comment has to do with some
19 similarly confusing language in Section 10.9 on page
20 42. At the top of the middle column, only the three
21 Section 4(f) alternatives are listed, and that's
22 correct. But just below that list is a sentence that
23 states a comparison of all alternatives evaluated by
24 MassDOT is provided on Table 1 on page six. It's

1 actually on page 11. But I think that sentence should
2 be deleted because Table 1 describes the design
3 criteria for the seven Section 106 alternatives, which
4 have nothing to do with Section 4(f) evaluation. The
5 sentence, again, may suggest that Section 4(f) applies
6 to the selection of a preferred one of the seven
7 bridge designs. And, as I said before, it does not.

8 Those are the points I wanted to make
9 about this Section 4(f) evaluation. Otherwise, I'm in
10 full agreement with Federal Highway and MassDOT's
11 conclusions and findings regarding Section 4(f).

12 Although the history of the Mitchell
13 River Bridge is not especially relevant to
14 environmental or Section 4(f) issues, Chapter 1 of the
15 Environmental Assessment states that the historical
16 records are unclear when the original Mitchell River
17 Bridge was constructed. However, based on the
18 considerable research I've done on the Mitchell River
19 Bridge, I believe the historical records are quite
20 clear. In the interest of historical accuracy, I will
21 submit a brief paper with my remarks describing the
22 results of my research, which confirms that the
23 original Mitchell River Bridge was constructed in 1871
24 not 1858.

1 you could get from one side of this bridge to the
2 other quite easily, and most of the time you wouldn't
3 even have to go across this area. The cost of the
4 bridge is prohibitive for something that's not really
5 necessary anymore to the roadway system. Just because
6 it's there doesn't mean it necessarily has to be
7 rebuilt, I don't think. A lot of things were built in
8 the 1800s and 1900s that have been removed because
9 they were a detriment to the environment, dams. The
10 canal system is gone. The railroads, a lot of the
11 railroad ways are gone. Initial highways that went
12 throughout the country like the Cumberland Trail are
13 marked historically along their way. The Santa Fe
14 Trail, the Oregon Trail, parts of those you can view
15 from the current road systems. But there will be a
16 commemorative plaque to tell you that this is the
17 location of these very historic things.

18 I'm not saying this bridge doesn't have
19 history. It does. But why can't it be memorialized?
20 Why can't we take care of that with just some nice
21 pictures of the existing bridge as it stands, by
22 blockading off the road with barriers to close it to
23 traffic, and also let the waterway have the right of
24 way again. After all, that's your most historic,

1 oldest historic way to manage this area.

2 The other comment I have is every time
3 you rebuild it, you destroy some of the historic
4 nature of the bridge itself. As a comparison, I think
5 it's probably comparable to covered bridges in this
6 part of the country, that it does have some historic
7 value, that it probably does have a tourist draw to
8 the area, but you could advertise and bring people to
9 the community, but hopefully you can do that without
10 this bridge.

11 MODERATOR PAVAO: Thank you for your
12 comments.

13 Anyone else? Sure. Go ahead.

14 SPENCER GRAY: Spencer Gray, Chatham.
15 I just wanted to add a few comments relative to speed
16 and safety in addition to what Mrs. Seldin has already
17 said.

18 The MassDOT has classified Bridge
19 Street as an urban collector road, which requires a
20 design of 30-mile-an-hour speed. But neither the
21 actual traffic count on that road nor the real nature
22 of the street has been taken into consideration in the
23 design. The actual daily average traffic count for
24 the Cape Cod Commission is less than 900 vehicles.

1 And the other thing that I think we
2 have to keep in mind is that Bridge Street is not an
3 urban collector road, but it is a narrow residential
4 road that is frequented by many walkers year-round, by
5 bicycles, and by many cars parked there in the
6 summertime. So, I think every action should be taken
7 to control the speed in the construction of the
8 bridge.

9 It's already been mentioned about the
10 boards going across and I won't repeat that. But I
11 would like to emphasize the -- I would like to ask if
12 you still plan to elevate the west end of the bridge
13 so it makes a straight run across because that is
14 going to encourage speed if you take out the current
15 dip that goes down to the bridge. If you could leave
16 that dip, which I think people have asked about for
17 the last couple of years, then that would help to slow
18 the traffic as it approaches the bridge. It's
19 important not only for the people who fish and walk
20 along the bridge, but also because on the west side of
21 the bridge is the Stage Harbor Marine, which if you've
22 been by there at any time of year is usually filled
23 with large boats and small boats. And cars going in
24 and out cannot be seen because of the boats that are

1 in the way of the oncoming traffic. So, if you have
2 cars going across that bridge, even at 30 miles an
3 hour or even at 20 or 25 miles an hour, they may not
4 be able to stop in time when the cars pull in and out
5 of that Stage Harbor Marine just to the west of the
6 bridge.

7 So, I think it's important, and I hope
8 you'll consider not straightening out that level and
9 not elevating the east side so that traffic has to
10 slow down as it goes over the bridge.

11 Thank you.

12 MODERATOR PAVAO: Thank you for your
13 comments.

14 Norm?

15 NORM PACUN: Thank you. My name is
16 Norm Pacun. And I'm here speaking for the Friends of
17 the Mitchell River Wooden Drawbridge. We are a
18 designated consulting party, and we were the initial
19 organization, along with the Chatham Historical
20 Commission, that began the effort to get the bridge
21 declared eligible for the National Register back in
22 2009.

23 I've read through the Environmental
24 Assessment as carefully as I could. And I've also

1 tried to go through each and every page of I don't
2 know how many thousands of pages we have in the
3 appendices. And my concern is that there are many
4 portions of the document, although it's beautifully
5 put together, and it's pretty, and it's carefully
6 clipped -- I obtained a hard copy, which came in a box
7 and it was difficult to lift -- but the content is
8 what's important here. My belief is that the history
9 and the overview of the Section 106 process to begin
10 with, the part at the beginning of the document, has
11 been distorted and is factually incorrect.

12 First of all, this matter goes back, as
13 far as the bridge is concerned and its eligibility, to
14 1980, when at that time, unbeknownst to many people,
15 it was initially declared by Mass. Historic to be
16 eligible for the National Register. But only two or
17 three months later, that decision was turned around
18 and the bridge was declared ineligible. There is no
19 explanation in this document or in any of the
20 appendices as to why that took place. And, yet, we
21 tried in our submission both to Mass. Historic in 2009
22 and to the Keeper in 2010 to explain what we believe
23 clearly was a change in the attitude of the people who
24 were reviewing this at that time.

1 Our belief is also that there's an
2 unexplained omission of critical documents from both
3 the Environmental Assessment and the appendices
4 themselves. And I'm not going to give you all of
5 them. I will try to in my written comments. But just
6 as an example, the Friends, in 2009, submitted a 122-
7 page document to Mass SHPO asking that the bridge be
8 declared eligible for the National Register. You
9 won't find that submission in the table of contents of
10 this document where it should be. In fact, the 16-
11 page initial statement is attached in the back of
12 another document, so it's buried. You can't find it.
13 But the remaining 106 pages of exhibits are not in
14 here at all nor is our submission to the Keeper in
15 2010. It's entirely missing. And, at that time, we
16 submitted I believe a 10-page initial statement plus
17 two books of exhibits, and they're all gone. It's as
18 if they never existed at all.

19 Now, I've gone through this entire
20 document. And it may well be that somebody says to
21 me, "You know, you missed something here." And if I
22 did, I apologize. But I don't think I could miss both
23 of those at all.

24 You previously heard from the Chairman

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1 of the Board of Selectmen, Florence Seldin, regarding
2 the speed of vehicles over the proposed bridge and
3 safety issues. They submitted, the Board of Selectmen
4 submitted, a letter to MassDOT regarding those safety
5 issues around the same time as they signed the MOA. I
6 don't find that in here. Nor do I find a letter from
7 Carol Pacun, that's my wife, representing the Bridge
8 Street residents, also the same date, March 16th, 2012.
9 Why are both of those missing? They're very important
10 because they both indicate a deep concern with the
11 question of speeding and safety along this road and
12 over the bridge.

13 You've heard this now not only way back
14 from the beginning when MassDOT came down here for the
15 first time, you've heard it today from the Chairman of
16 the Board of Selectmen. You heard it from Spencer
17 Gray, one of the members of the steering committee of
18 the Friends. And, yet, it doesn't seem to be
19 penetrating or going anywhere. And so at the very
20 least, it needs to be placed in this document so if
21 there is a fair review of what has occurred by EPA
22 and/or the Department of Interior with respect to the
23 4(f) matter, they're going to see that this is a major
24 issue for the people in this community.

1 Another procedural -- I'm going to
2 divide my comments into procedural and substantive.
3 Another issue that I have may seem perhaps trivial,
4 but it's not. This document, the 45-page double-sided
5 Environmental Assessment that was prepared, refers to
6 it only as an Environmental Assessment. It never
7 refers to it as a 4(f) submission. Should it not?
8 4(f) only appears if you look at the table of contents
9 and you notice that it's at the end of the document.
10 But these are two separate statutory submissions on
11 your part. You are submitting one to the EPA under
12 NEPA. You are submitting another to the Department of
13 Interior under Section 4(f). And this document should
14 so state, but it doesn't.

15 The document really doesn't show
16 anywhere the people and the organizations I'm going to
17 refer to as the preservation consulting parties, if I
18 may, and those are the Friends, the organization I
19 represent; the National Trust for Historic
20 Preservation; the Historic Bridge Foundation; the
21 Indiana Historic SPANS Task Force; Professor James
22 Cooper; and our own Chatham Historical Commission, all
23 strongly favored Alternative 1B over Alternative 3.
24 They submitted voluminous materials in support of

1 their position. None of the preservation
2 organizations favored Alternative 3, and none of the
3 preservation organization consulting parties agreed to
4 sign the MOA. I believe that Mr. Shamon perhaps
5 incorrectly indicated earlier that the consulting
6 parties had signed the MOA. There are only two
7 consulting parties that did sign the MOA, that's Mr.
8 Myers and the Pease brothers. But six, seven
9 consulting parties did not. These are important
10 organizations. And, yet, they're omitted from the EA.
11 Or, if they're in there, they're simply buried
12 somewhere.

13 Finally, as a procedural matter, the
14 document fails to state that the Advisory Council for
15 Historic Preservation and our Chatham Board of
16 Selectmen requested from the outset, and continue to
17 request, that Alternative 3 be modified to include
18 additional timber or wood. The Advisory Council even
19 referred to this as a "hybrid" between Alternative 1B
20 and Alternative 3. But, MassDOT refused, declined to
21 make such change.

22 I think this document needs to address
23 the fact that this simply wasn't a question of
24 alternatives being put on the table and people sitting

1 around and saying, "Well, that looks better than this,
2 or this isn't as good as the other." There was a
3 clear demarcation between consulting parties, who
4 under Section 106 have a major role to play, and other
5 organizations, MassDOT, Federal Highway, who have an
6 entirely different view. But, this document should
7 address that fact, that after all the smoke had
8 cleared none of the preservation organizations would
9 sign this memorandum of agreement. And they made it
10 clear. And I'm going to go into why.

11 When you get to the design of the
12 bridge which you propose, which I'm going to call
13 Alternative 3, in our judgment, it fails to follow the
14 provisions of Section 4(f), that the primary
15 requirement under 4(f) is to avoid, minimize, or
16 mitigate harm to a protected historical asset, which
17 this is, and that what needs to be done is to try to
18 choose the more context sensitive design, the one that
19 is less harmful to the protected historical asset.

20 Now, in this case, the protected asset
21 is the Mitchell River Bridge, declared to be eligible
22 for listing on the Historical Register. And so when
23 we went through the 106 process, that was one of the
24 important parts of the review, to see if a bridge

1 could come out of this which would come as close as
2 possible to the existing all-timber bridge, the last
3 wooden drawbridge not only in Massachusetts, but in
4 the entire United States. The Keeper said, "Perhaps
5 in the United States." But the research, which I
6 submitted, and which you will have in the comment, is
7 that there is no other. And my source was the United
8 States Coast Guard, which knows whether they have a
9 wooden drawbridge in their jurisdiction other than the
10 Mitchell River Bridge.

11 In this case, Alternative 1B represents
12 the less harmful alternative in keeping with the
13 historic nature and character of the bridge and the
14 pattern represented over time of a continuous series
15 of timber trestle bridges that have crossed this
16 location for the last 100 to 150 years. Under Section
17 4(f), a feasible alternative, and 1B is a feasible
18 alternative -- it was so stated twice at the
19 consulting parties' meeting by yourself, Mr. Pavao --
20 one that minimizes harm can't be rejected unless it
21 can be demonstrated that, one, there are truly unusual
22 factors; two, unique problems; three, a cost or
23 community disruption of extraordinary magnitude. And
24 that's the decision of the Supreme Court in the

1 Overton Park case in 1971. No demonstration has been
2 made that Alternative 1B is not a feasible and prudent
3 alternative.

4 I'm going to speak briefly about the
5 fact that throughout this process, the Friends and
6 others tried to obtain documentary and other
7 information from MassDOT regarding the important
8 technical aspects of this bridge and its
9 reconstruction. And these included such simple
10 matters as demonstration that concrete and steel,
11 which MassDOT claims will last 75 years or more, where
12 does that information come from? Is there something
13 in scientific literature or technical literature that
14 supports that? Where is that information that wood
15 will only last approximately 30 years notwithstanding
16 that wood can be southern pine or it can be a foreign
17 wood called greenheart? We were unable to get this
18 information at all.

19 And so our concern is that this
20 document, along with all of the attached appendices,
21 simply repeats what was set forth in the hearings, but
22 without sufficient proof or information that we could
23 establish and we could check. The purpose of a
24 consulting party arrangement in this case is to

1 consult. We never received consultation from MassDOT
2 to get us in a position where we could look at this
3 information and say, "Yes, you're right, and we're
4 wrong," or, "Have you considered this as a
5 possibility?"

6 The projected costs of Alternative 1B
7 and Alternative 3 were prepared solely by MassDOT and
8 its own consultants. And we stated initially and
9 continue to state that we think they were improperly
10 skewed in favor of Alternative 3. And, yet,
11 notwithstanding the costs of 1B can be approximately
12 equal to those of Alternative 3, all of these costs
13 are estimates and nobody can be quite certain what's
14 going to happen at the end of 30 years or 75 years.
15 But, in our view, we do know, and this is from the
16 material prepared by MassDOT, that the initial cost of
17 building this bridge will be about \$2 million more if
18 you do it in concrete in steel than if you do it in
19 wood.

20 The long-term cost is the question.
21 And it's your judgment that the cost over the 75
22 years, or 30 years, or 50 years is going to be more if
23 you use wood. But that depends on the life of the
24 wood. If the life of the wood is longer, then the

1 cost is lower. And, also, with respect to concrete
2 and steel, if the life of concrete and steel is less
3 than 75 years, let's just say 50 years, then the cost
4 is more.

5 We also faced the question as to
6 whether or not wood, timber, could be put in salt
7 water. From the outset, MassDOT stated they wouldn't
8 do it. There wasn't any question that they would look
9 into it. They made it clear that they would never put
10 wood in the water. This was stated by Mr. Elnahal
11 when he came here. This was stated by MassDOT around
12 the time that the keeper was reaching her decision.
13 And there was a private meeting here; the Friends were
14 not invited. And it was clear that MassDOT would
15 never look to put wood in the water.

16 We think some of the issues here that
17 needed to be addressed and need to show up in the
18 Environmental Assessment also are the effect of
19 putting concrete and steel in the water. Will there
20 be rusting? Will there be flaking? Will there be
21 leaching of the chemicals in the steel in the same
22 manner that the concern was raised as to leaching of
23 any wooden preservatives? But it doesn't show up in
24 the EA. It doesn't show up in any of the decisions

1 that MassDOT made here.

2 I'm not going to go over the question
3 of speeding and traffic safety. I think that is being
4 covered. And I think other people may speak on that
5 tonight also because of the concern. But I do want to
6 touch briefly, in conclusion, on the question of the
7 two pathways so that we're clear what we're talking
8 about.

9 The EA makes it specific that the
10 pathway on the south that goes down to Mitchell River
11 and Stage Harbor, because it is within the Town
12 landing area, you will replace that pathway
13 temporarily during construction, and then after
14 construction you will rebuild, I'm going to say, that
15 pathway, reconstruct that pathway. And so there will
16 be essentially, in your view, a de minimis harm to the
17 activity, shellfishing, down there. My concern, and
18 it's not addressed in the EA, is what kind of path
19 will be put in there. Right now we have a natural
20 path, which is what we want. We're not interested in
21 huge railings. We're not interested in stairways.
22 We're not interested in other things. We like it the
23 way it is. And, yet, it's never covered here and it
24 was not covered when MassDOT came down to speak to the

1 Board of Selectmen. So, I think it needs to be
2 covered. What exactly are you going to do? We've
3 never seen a design for that yet.

4 Secondly, the pathway to the north,
5 it's very clear in this document that that pathway is
6 on a private parcel. But it also is a public path.
7 It's been used as a public path for time and memorial.
8 And if the Town has to declare it a public path by way
9 of prescriptive easement they should do so.

10 Now, what I heard today, and I hope I
11 heard correctly, was that there would have to be a
12 taking, a small taking, of the private parcel to
13 reconstruct the public path. But, my concern is that
14 because of the riprap that you are including next to
15 the bridge, that parcel is going to have to go out
16 substantially further to the north, and then come
17 back.

18 Now, again, I haven't seen any diagram.
19 But I think the diagram of what you plan to do with
20 the taking needs to be put in here so that the public,
21 and particularly the shellfishing community, can
22 address that and be certain that that's satisfactory
23 to them.

24 My last comment, if you will, is only

1 yesterday did I find out that there have been meetings
2 between or discussions between your organization and
3 members of your organization and the staff of the Town
4 with what you or what is referred to as 25 percent
5 progress plans. And these include a host of details
6 with respect to construction of the bridge. They do
7 include reference to the dip. They include the
8 materials and the color of the fenders on the bridge.
9 They also include other items, which, in my judgment,
10 should be a part of the consulting parties' meeting
11 that is required to take place under the MOA, and
12 which hasn't taken place, and which will include the
13 important question of wooden pier caps versus concrete
14 pier caps, the stone facing that will cover the pier,
15 and other items, the railings themselves and whether
16 the present railings can be reused.

17 I don't understand why these meetings
18 have taken place without calling in the consulting --
19 or this meeting has taken place without calling in the
20 consulting parties. And, yet, if there are going to
21 be decisions on these before the next meeting, I think
22 all that's going to happen is that's going to cause
23 annoyance and disappointment on the part of the
24 consulting parties.

1 We have waited now over eight months
2 for a decision from MassDOT as to whether they are
3 prepared to recommend wooden pier caps as opposed to
4 the concrete caps that are in the present design and
5 are referred to in the Environmental Assessment.
6 Eight months without even knowing why the delay, what
7 is going on, when the next consulting parties' meeting
8 will take place. I think it's important to get this
9 consulting parties' meeting done. I would hope that
10 you would come forward and say that you will accept
11 the wooden caps because I think it's important. It
12 brings us closer to the wooden bridge that we have
13 now.

14 I'm sorry to take up all this time, but
15 thank you for hearing me.

16 MODERATOR PAVAO: Thank you for your
17 comments.

18 Go ahead, Mike. Do you want to say
19 something?

20 MICHAEL BASTONI: I do just want to
21 kind of clarify that while Section 106 was a major
22 part of the development of this project, NEPA does
23 cover a wide array of environmental, social, and
24 economic issues. And the determination of whether a

1 project has a significant impact under NEPA covers a
2 wide array of variables. Section 106, like I said,
3 was a large driver of this project's development,
4 specifically after the October 2010 Keeper
5 determination. We did enter into a Section 106
6 consultation process. It included about a year-and-a-
7 half, perhaps more, of consultation.

8 To say that the preservation groups,
9 while, a lot of them do not -- we do have a signed
10 MOA. The Advisory Council on Historic Preservation
11 signed it. The State Historic Preservation Officer
12 signed it. And, it's executed. There are some more
13 commitments to fulfill. It's all in the appendices,
14 in the documentation.

15 We tried to somewhat truncate the
16 project overview and historic eligibility because it
17 is one aspect of NEPA. We had to try to evaluate this
18 under NEPA in its entirety.

19 Things like the omissions, I would
20 argue that we also didn't include Massachusetts DPW's
21 letters that when to MHC in the '80s. We tried to
22 just include the pertinent, you know, when the
23 Keeper's determinations were made, because that box
24 that you got would have been twice as big. So we

1 tried to highlight important, you know, steps along
2 the project development. So, while you claim there
3 are some omissions, like I said, our DPW findings that
4 went out in the '80s, we didn't include what was
5 written to them. We just kind of tried to keep a
6 project documentation saying what the 106-related
7 findings were along the way.

8 And the 106 consultation process can be
9 seen and referred to through the appendices. And, you
10 know, while this is very much 106 related to, NEPA
11 covers a wide array of environmental, social, and
12 economic impacts. And that's what Federal Highway
13 will use to determine whether or not this has
14 significant impact.

15 And I would also say that we very much
16 stand by our application of the Programmatic 4(f)
17 evaluation for the bridge and de minimis impact
18 determination on the southeast quadrant path. And
19 they fully comply with the letter of the law, and we
20 stand by the application and as does Federal Highway.

21 MODERATOR PAVAO: Anyone else who would
22 like to speak? Go ahead.

23 PAUL BRANDENBURG (via telephone): Joe?

24 MODERATOR PAVAO: Yes.

1 PAUL BRANDENBURG: This is Paul
2 Brandenburg, Historic SPANS Task Force.

3 MODERATOR PAVAO: Go ahead, Paul.

4 PAUL BRANDENBURG: So, I just have a
5 very brief comment.

6 I just wanted to follow the mentioning
7 of the shortening of the historic review process
8 through the Environmental Assessment. I think that's
9 what I picked up in the previous comment that was
10 made. I'm not sure who was speaking just previously.
11 But I wanted to make mention of I noted in four places
12 in the Environmental Assessment, the main document,
13 I'll reference Section 5.9.1, which says Historic
14 Resources. This is indicative of four places. It
15 states in the first sentence, "The Keeper of the
16 National Register of Historic Places has determined in
17 a notification letter dated October 1st, 2010, that the
18 existing 30-year-old Mitchell River Bridge is eligible
19 for individual listing in the National Register." The
20 reference to the bridge being 30 years old is
21 incorrect. There are pilings that date back I believe
22 to 1926 or 1928. I'm not certain why there's a
23 reference to or the need to place in the document
24 "existing 30-year-old" in reference to that. There

1 are four places in the document where 30 years is
2 mentioned in referenced to Mitchell River Bridge. And
3 I would suggest that that would be removed from the
4 final version of the document because it is incorrect.

5 MODERATOR PAVAO: Thank you for your
6 comment, Paul.

7 PAUL BRANDENBURG: Thank you very much.

8 MODERATOR PAVAO: Yes, sir?

9 STEPHEN BUCKLEY: Can I use the
10 facilities here to put something up on the screen,
11 plug it in without -- I wanted to point to something
12 in the EA and I've got it pulled up on my laptop.

13 STENOGRAPHER: What is your name,
14 please?

15 STEPHEN BUCKLEY: My name is Stephen
16 Buckley. Let's see if this will work. It's not very
17 fast. Well, while it's catching up with humans, the
18 general point I wanted to make was that -- and I was -
19 - once this comes up, I wanted to show a picture. On
20 the cover page of the Environmental Assessment,
21 there's a large picture of the existing bridge, and
22 then there's a short, smaller one, up in the upper
23 right-hand side that shows I guess what the preferred
24 alternative is. Is that right?

1 MODERATOR PAVAO: It's Alternative 3.

2 STEPHEN BUCKLEY: Okay. And it's not
3 very easy to tell, but what I was able to figure out,
4 you can see in the large picture there's a car going
5 across. And you can see the windows of the car above
6 the railing. Okay. But in the little picture up
7 above, you can't quite make it out. I think you used
8 the same photograph and, you know, did some magic,
9 computer magic with it. And I think the car is still
10 there, but you can't see the windows anymore. So
11 that's what I was -- I'm concerned that, you know, one
12 of the -- the historic charm of the bridge is the fact
13 that people can go over that bridge. And, currently,
14 with the dip, and the timbers, and the so forth, they
15 slow down, first of all, and then they actually
16 realize that there are boats and there's water that
17 they can actually see as opposed to just flying over
18 the bridge and hurrying up with their visit to Chatham
19 and missing probably one of the best views that they
20 could probably have. And so that's what I was -- I
21 guess I would like some clarification. I'd like a
22 comment on that that I'm concerned that in the future
23 that it will all look nice and woody and everything,
24 but we'll see more wood than water, or maybe no water

1 and no boats, and so forth and so on.

2 So, it looks like it's maybe, like I
3 said, judging from -- if one time you can see car
4 windows and then you can't see the car windows, then
5 that's like a foot or two higher. And, of course, if
6 you can't see the people in the car from the water,
7 then they can't see you from the water. And I don't
8 know if that would fall under scenic vistas. I think
9 that's something that's supposed to be covered under
10 NEPA, and, you know, whether this qualifies as a vista
11 or whatever it is. I know it's under NEPA you're
12 supposed to look at socio and economic impact. And
13 this being one of the places where people go to look
14 at the water and they go over around the loop, it's
15 one of those places that we don't want to degrade and
16 it would actually affect the economy in that sense,
17 too. So it does affect the character of the Town, and
18 so forth and so on. So there's that concern.

19 The other one is the traffic aspect,
20 which also is supposed to -- I guess I'm still not
21 getting this, but that's okay. The traffic aspect is
22 the -- that's supposed to be covered under NEPA as far
23 as public health goes. Some people say, well, public
24 safety is not the same as public health. But, if your

1 kid gets run over, then it certain affects the kid's
2 health. So, you know, people getting hit by cars and
3 so forth and so on and speed and so forth, I would say
4 that public safety is a subset of public health. And
5 public health is considered by the legal definition of
6 impacts, environmental impacts, and the legal
7 definition of effects, which are synonymous. It
8 covers virtually everything. I think a lot of people
9 misunderstand that, oh, this is just the environmental
10 stuff, not the historic stuff, not the public safety
11 stuff, not the transportation and traffic thing. The
12 thing is, and I'm assuming you'll confirm this when
13 I'm done, is that environmental effects is defined
14 under the law as including virtually every effect that
15 you can possibly think of: historic, socioeconomic,
16 safety, or health, which includes safety. So there's
17 everything. So if it's missing a discussion of
18 traffic and so forth, which falls under public health
19 and safety, then that's something that's missing from
20 the Environmental Assessment.

21 The fact that the timbers, or that it
22 was -- at one point, one meeting I went to, I had
23 suggested putting them -- helping to slow the traffic
24 by putting them across the front from side-to-side to

1 give it that distinctive thumpety-thump or whatever,
2 and also to do traffic calming. And now I see now
3 it's gone back to longitudinal, this way, but now it's
4 going to be 45-degree angle. So it's kind of a moving
5 target here. So it's kind of like, well, once you
6 guys figure out what it is, I'll be glad to comment on
7 it. But if it's going to keep changing from meeting
8 to meeting, then I mean that's my concern aside from -
9 -

10 MARK SHAMON: It's going to be at a 45-
11 degree angle.

12 STEPHEN BUCKLEY: Okay. Going to be.
13 Okay. Then, in that case, I hope it won't gonna be
14 that because it should be -- I think everybody agrees
15 that even 30 is going to be fast for that bridge. As
16 it is right now, the fact that you can let your kids
17 fish off the bridge, and hang around, and not have to
18 clutch them to your side because even at 30 miles an
19 hour somebody is going to -- it will seem fast
20 compared to what the average speed is there now. Now,
21 was that an intentional thing of putting in a wooden
22 bridge with timbers or unaligned? The good part about
23 that is that the upside of a poorly maintained timber
24 bridge is that it slows traffic down. And, actually,

1 a side benefit of that is that people actually get a
2 chance to stop and, because the rails aren't too high,
3 they get to say, "Oh, look, water, what we came to
4 Cape Cod for." So, those two aspects.

5 I would point out though that the one
6 thing that troubles me is that this is -- the White
7 House, the Executive Office of the President, has
8 issued regulations, which, as you know, are what
9 you're supposed to be following. And an Environmental
10 Assessment is not supposed to be an environmental -- a
11 detailed review. In fact, that's the definition of an
12 Environmental Impact Statement. So, when I heard the
13 contractor describing it as a detailed project I think
14 he said review, but detailed being the key word there,
15 is basically admitting that this is in effect -- for
16 all intents and purposes, you've written an
17 Environmental Impact Statement in everything but name.
18 I try to look at this and see, well, what would you
19 cover in an Environmental Impact Statement. It covers
20 all the same format. The only thing it doesn't -- and
21 the one thing that an Environmental Impact Statement
22 doesn't do is determine whether or not it's
23 significant. And nowhere in the Environmental
24 Assessment, this document, which the primary purpose

1 of an Environmental Assessment is to determine whether
2 or not to do an Environmental Impact Statement. Any
3 assessment, any knowledge gained from that is
4 secondary. It's mostly to figure out if you should
5 really put a lot of effort into looking into this.
6 Well, we've already put a lot of effort into looking
7 at this. So, you've got, you know, rather than wonder
8 whether something is hot or cold, you've gone over and
9 touched it and you've come back and said, "Well, now
10 we don't have to do the Environmental Impact
11 Statement."

12 Now, the difference that this lacks,
13 the process lacks, is by doing an Environmental
14 Assessment, or calling it an Environmental Assessment,
15 is that, as Mr. Pacun was saying earlier, or concerned
16 about earlier, was that the public consultation
17 requirements are less. It saves time. So, if an
18 agency wants to save time, or if they've run out of
19 time because they've taken a couple of years to write
20 a preliminary document like this is supposed to be,
21 then now you're cutting it really close where you're
22 almost going to have to call it -- issue a statement
23 of No Significant Impact.

24 So, basically, the Environmental

1 Assessment doesn't have the last -- the conclusion.
2 It doesn't have any. It doesn't talk to whether this
3 is a significant impact or not. So, unless I miss
4 something there, but I don't see any conclusion, and
5 that's the primary purpose of this document.

6 MICHAEL BASTONI: The primary purpose
7 of NEPA in general is to determine significance of an
8 action, a federal action. Federal Highway's action
9 here is replacement of the bridge. An EA is done when
10 you are unsure if the action is going to result in a
11 significant impact.

12 The end result we're looking for here
13 would be a finding of No Significant Impact. An EIS
14 is done when you know that the action is going to
15 result in significant environmental impacts.

16 We prepared this EA because Federal
17 Highway determined it was the appropriate class of
18 action under NEPA to determine whether the results of
19 this action would result in a significant impact.

20 STEPHEN BUCKLEY: Right.

21 MICHAEL BASTONI: So once this public
22 comment period is done, and Federal Highway, the
23 federal agency, the lead federal agency responsible
24 for administering NEPA, has a chance to digest the

1 comments, they will issue their finding of whether or
2 not there was a significant impact resulting from the
3 proposed.

4 STEPHEN BUCKLEY: Right. So you've
5 done an Environmental Assessment --

6 MICHAEL BASTONI: That's what this is.

7 STEPHEN BUCKLEY: -- with no
8 conclusion.

9 MODERATOR PAVAO: Federal Highway will
10 make the conclusion.

11 STEPHEN BUCKLEY: Okay. But if the
12 purpose of an Environmental Assessment is to determine
13 whether something is significant, has this document
14 done that?

15 MICHAEL BASTONI: That's up to the lead
16 federal agency.

17 MODERATOR PAVAO: That's up to Federal
18 Highway.

19 STEPHEN BUCKLEY: So this is an
20 unfinished EA?

21 MODERATOR PAVAO: It's finished when
22 Federal Highway issues a decision.

23 STEPHEN BUCKLEY: Okay. Then if --
24 you're going to explain to people that you're not

1 going to be done with the Environmental Assessment,
2 that its conclusion has yet to be determined?

3 MODERATOR PAVAO: That's correct.

4 MICHAEL BASTONI: I believe that's in
5 the cover letter and everything with the document.

6 STEPHEN BUCKLEY: So the other shoe
7 hasn't dropped yet as far as that goes. And so I
8 can't -- I can't -- the thing is, if you had -- if
9 this had contained a conclusion, then I could talk to
10 that and say, "Well, I disagree," or, "I agree." But
11 I can't talk to something if I don't know what your
12 conclusion is yet. Do you understand what I'm saying?
13 You have to -- you have to put something on --

14 MICHAEL BASTONI: You can provide
15 comment on the preferred alternative if you'd like.

16 STEPHEN BUCKLEY: Pardon me?

17 MICHAEL BASTONI: You can provide
18 comment on the preferred alternative if you'd like.

19 STEPHEN BUCKLEY: No. No. I want to
20 provide a comment on the conclusion that this document
21 is supposed -- the purpose of this document is
22 supposed to provide a conclusion that I can comment
23 on. And I can't comment on a conclusion that isn't
24 included.

1 MICHAEL BASTONI: Yeah. Thanks.

2 STEPHEN BUCKLEY: Do you understand?

3 So it's incomplete. So, thank you.

4 MODERATOR PAVAO: Thank you for your
5 comments.

6 Yes? Comments?

7 GLORIA FREEMAN: Good evening, and
8 thank you. I'm Gloria Freeman, a Chatham citizen.

9 I, first, want to thank MassDOT for
10 sending me a copy of the Environmental Assessment.
11 I'll refer to it as the EA. It's very impressive. A
12 lot of work went into it. But, unfortunately, despite
13 it's 45-double-sided pages, and literally thousands of
14 pages of appendices, there are glaring omissions. Mr.
15 Pacun mentioned some of them, so I won't repeat them
16 except for one example, which is that there is no
17 mention that I could find that all of the preservation
18 consulting parties supported 1B over Alternative 3.

19 If the EA is supposed to be providing
20 the history of the project, there are missing elements
21 that are important to that history and should be
22 available for review by EPA and other permitting
23 agencies as well as anyone else reading the report. I
24 have no idea why those items were left out, but I hope

1 that they will be included and referenced.

2 Also, while the EA certainly provides
3 MassDOT's opinions, there is little or no reference
4 and no deference given to expert testimony which holds
5 the opposite view, therefore, leaving the end product
6 slanted and subjective. By withholding such
7 information or buying it in the appendices, I cannot
8 say that it is an accurate depiction of what really
9 occurred.

10 And that leads me to my first question.
11 The EA also covers the 4(f) evaluation. There is
12 nothing on the cover indicating that the document
13 includes the Section 4(f). But the evaluation is
14 embedded in this document. My question is what is the
15 procedure for the 4(f)? Does the EPA review it or is
16 it some other agency? Would you tell me specifically
17 to whom it goes for review? I want my comments to be
18 heard about the 4(f) so I will be able, I hope, to get
19 a name from you tonight. And will that person or
20 group be provided with all the appendices and other
21 important documents that are missing from the EA?

22 In regard to Section 4(f), it is
23 important to note that where none of the feasible and
24 prudent alternatives would completely avoid an adverse

1 impact to the bridge, the Department of Transportation
2 Act's preservation purpose in Section 4(f)
3 specifically requires the adoption of the least
4 harmful alternative. According to all preservation
5 consulting parties, the least harmful is Alternative
6 1B. And, MassDOT and Federal Highway are failing to
7 comply with Section 4(f) by choosing Alternative 3.
8 Even MassDOT's own study of design criteria stated
9 that Alternative 1B rates higher in context
10 sensitivity than their choice of Alternative 3.

11 Alternative 3 is also less likely to
12 allow the Mitchell River Bridge's eligibility on the
13 National Register of Historic Places, whereas
14 Alternative 1B allows the maximum use of wood,
15 minimizing the use of steel and concrete. The Keeper
16 of the National Register emphasized that "priority was
17 to be given to in-kind replacement of its [the
18 bridge's] materials and retention of its simple
19 design, form, and function as a wooden drawbridge."
20 She went on to say that "the simple, yet distinctive,
21 configuration of the bridge and its presence on the
22 landscape form an exceptionally," I'm going to repeat
23 that, "an exceptionally important part of the
24 community's historic identity."

1 Chatham citizens are proud that we have
2 the last wooden drawbridge in the country. And while
3 it is going to be replaced, we'd like the best
4 opportunity to maintain its simple design, form, and
5 function. And that means maximizing the use of wood
6 in the replacement bridge. My understanding is that
7 MassDOT and Federal Highway are still unwilling to
8 even commit to the use of timber pier caps, which is
9 essential to maintaining the historical view of the
10 bridge.

11 I'd like to comment on traffic and
12 speed. On page 12 of the EA, there is a statement
13 that the current bridge is "a two-lane local road with
14 two-way traffic," but then goes on to say that it is
15 classified as an urban collector. There are,
16 according to the MassDOT website, three functional
17 classifications for roadways: arterials, collectors,
18 and local roads. And the federal functional
19 classification uses the same three general categories
20 and separates local roads into urban and rural
21 designations. By saying that "the current bridge is a
22 local road," Bridge Street is correctly classified.
23 By your own definition, it is not an urban collector.

24 I know that you are aware of the

1 differences among these classifications. But, surely,
2 using your own definitions, Bridge Street is a local
3 road providing access to abutting land with little or
4 no emphasis or mobility. It does not collect traffic
5 from local roads, and it does not funnel traffic to
6 any arterials. It is a rural byway. And what is
7 being proposed, an urban collector, stipulates a 30-
8 mile-per-hour design speed. That is not what we want,
9 a roadway designed for a 30-mile-per-hour speed. The
10 possibility of increased traffic speed increases the
11 likelihood of accidents.

12 There are no sidewalks in the area
13 other than on the bridge. Pedestrians walk in the
14 street. And there are many people, families, walking
15 from May through September. The existing bridge
16 forces traffic to slow down. What you have designed,
17 in your own words, in your first report, states that
18 traffic speeds are anticipated to increase.

19 I understand MassDOT's interest might
20 be in moving traffic, but ours is in keeping our
21 townspeople, our visitors, and our families safe. We
22 don't want a speedway. And by increasing the road
23 elevation on the east side and placing the timber road
24 surface at a 45-degree angle, that's what we're going

1 to get. It is simply not safe in this rural area.

2 It is sad, but obvious to us, that we
3 are going to lose the bridge so many of us love and
4 will miss. But that MassDOT, and even our own
5 selectmen, with the exception of one, are not willing
6 to commit to as much wood as possible is, quite
7 honestly, heartbreaking considering the importance of
8 the last wooden drawbridge and considering the
9 possibility that the Keeper could rule that a
10 replacement bridge would qualify as eligible for the
11 National Register if the use of wood was maximized.
12 Alternative 1B has such chance of eligibility. That
13 would take away some of the bitterness that many of us
14 feel.

15 What you are proposing does not include
16 all possible planning to minimize harm. It just
17 doesn't. My understanding is that the bridge
18 replacement will take 33 months to complete. So,
19 barring no delays, it will not be possible for anyone
20 to get from one end of Bridge Street to the other for
21 almost three years, nor will walkers be able to cross.
22 You might not have any idea of how popular what we
23 refer to as "the loop" is year-round for walkers as
24 well as bicyclists. I'd like to know how many bridge

1 constructions are completed on schedule. I know the
2 estimated construction time for the wooden covered
3 bridge in Pepperell was 21 months and, in fact, took
4 29 months to complete.

5 I have another process question, one
6 more. You are hearing public comments tonight. But
7 would you tell me what happens after this hearing is
8 closed? Do you discuss our comments with the
9 consulting parties? I hope consideration is given to
10 our comments and that tonight is not simply a means to
11 an end, a closing of the required public hearing, and
12 then you move forward with your plans.

13 My copy of the EA does not reference
14 that it is a draft. So, will our comments mean
15 anything, and might they engender changes to the EA?
16 I just hope tonight's meeting is more than just a
17 show.

18 May I stay here while some of my
19 questions are answered?

20 MODERATOR PAVAO: Sure.

21 GLORIA FREEMAN: Thank you.

22 MICHAEL BASTONI: Thanks, Ms. Freeman.

23 I'm going to start with your procedural
24 questions on Section 4(f). Section 4(f) of the U.S.

1 DOT Act applies to all branches of the United States
2 Department of Transportation. In this case, Federal
3 Highway is the branch of the U.S. DOT. 4(f) covers
4 publicly-owned parks, recreational areas, wildlife and
5 water fowl refuges, and publicly- or privately-owned
6 listed or eligible on the National Register
7 properties.

8 We have two, as in the document states,
9 there's two 4(f) resources here. One's the bridge.
10 So the procedure for applying the Programmatic Section
11 4(f) Evaluation for this bridge, again, it's the lead
12 federal agency, the federal agency's determination,
13 Federal Highway, determined that we met the
14 requirements for application of the Programmatic 4(f)
15 Evaluation for use, minor use of an historic bridge.
16 They're the ones who make the call on the application
17 of the appropriate level of documentation and
18 evaluation. They're the ones who signed off on the
19 signature page at the end of Chapter 10. And, any
20 comments related to that should be addressed directly
21 to the Federal Highway Administration.

22 GLORIA FREEMAN: So there's no -- they
23 decide to whom the 4(f) goes or does it to go the
24 Department of Interior or --

1 MICHAEL BASTONI: The Programmatic 4(f)
2 Evaluation does not go to the Department of the
3 Interior. These Programmatic Evaluations are
4 nationwide Programmatics that were established. It's
5 a determination that Federal Highway makes. And when
6 they sign that cover page, the conclusion, and they
7 signed it, that's their determination.

8 GLORIA FREEMAN: And that's the end of
9 the 4(f) process?

10 MICHAEL BASTONI: That's the end.
11 That's their opinion on the application of the
12 Programmatic Section 4(f) and the conclusions that are
13 stated right before that signature.

14 GLORIA FREEMAN: Okay. Thank you.

15 MICHAEL BASTONI: Okay. And the de
16 minimis impact determination, again, all of the
17 Section 4(f) determinations are the federal agency's
18 decision to make. With the proposed project, it was
19 determined that the activities, features, and
20 attributes that this recreational area is -- it's
21 significant because of the access that it provides to
22 the intertidal zone of the Mitchell River. That
23 access was -- that's the activity, feature, or
24 attribute that gives this parcel significance.

1 The proposed project, and measures
2 we're taking to maintain that access during and after
3 construction, because we're maintaining that same
4 feature of that, you know, the feature of the access,
5 because that's going to be maintained -- it has been
6 determined by Federal Highway that they -- they're of
7 the opinion that it's a de minimis impact
8 determination. And, the public comments that come out
9 of this will be processed. And then the official
10 jurisdiction, who is the Board of Selectmen and the
11 Director of the -- the Town's Coastal Resources
12 Director, they will either concur -- in here you'll
13 see Federal Highway's opinion, determination that it's
14 a de minimis impact. And the officials with
15 jurisdiction will then, after the public comment
16 period is closed, we'll ask the officials with
17 jurisdiction if they still concur, if they concur with
18 Federal Highway's determination. And, if they concur,
19 then that's what it is. It's assumed to be a de
20 minimis impact determination.

21 GLORIA FREEMAN: When you say the
22 federal agency, do you mean Federal Highway?

23 MICHAEL BASTONI: Yeah.

24 GLORIA FREEMAN: Federal Highway?

1 MICHAEL BASTONI: Yes.

2 GLORIA FREEMAN: Okay. Thank you.

3 MICHAEL BASTONI: I think -- let's see.
4 And the process after this is, again, the lead federal
5 agency, because NEPA is the responsibility of the lead
6 federal agency, it's still Federal Highway, as it was
7 for 4(f), they will take all the comments received and
8 they will issue the determination of whether or not,
9 you know, what -- the anticipated finding, what we
10 would hope for, would be a finding of No Significant
11 Impact, a FONSI. Otherwise, they would scope us for
12 an Environmental Impact Statement. Those are the two
13 possible outcomes. And it's the lead federal agency's
14 decision. After the public comment period closes,
15 they'll take all the public comments and they'll make
16 their decision.

17 GLORIA FREEMAN: Just so I'm clear, the
18 comments that were made tonight, will they be taken to
19 the consulting parties? I believe they're to have a
20 meeting in the near future?

21 MICHAEL BASTONI: As stated in the MOA
22 and the current schedule and everything that's been
23 relayed is the 106 consultation meeting will happen
24 after the EA public hearing and prior to the next

1 design stage, which will be somewhere in the spring.
2 Whether or not Federal Highway -- I don't know if
3 they're going to -- well, Diane can maybe help with
4 that.

5 DIANE MADDEN: I just wanted to mention
6 that generally the process has been that we would
7 prepare responses to comments.

8 STENOGRAPHER: State your name.

9 DIANE MADDEN: Oh, my name is Diane
10 Madden. I'm with the Mass. Department of
11 Transportation Environmental Section.

12 When we receive the comments, the
13 written comments, and the transcript that's being
14 provided today, we will prepare our consulting team,
15 and the MassDOT will prepare responses to the
16 comments. We will submit them to Federal Highway for
17 their review. They will become part of the project
18 record.

19 Generally, what we have done is if they
20 find that it's appropriate to issue a Finding of No
21 Significant Impact, what we have done is issued the
22 Finding of No Significant Impact. There's a summary
23 of -- a summary of environmental commitments,
24 mitigation commitments -- a summary of environmental

1 impacts and mitigation commitments that the FONSI is
2 based upon, and then the response to comments. And,
3 generally, what we have done is package that and
4 transmitted that to anybody who made a comment. It
5 would be anyone who made a written comment. We
6 wouldn't send it to anyone who just spoke into the
7 transcript because sometimes we don't have their
8 addresses. And then that information would be
9 provided on the web page or wherever and people can
10 look at that. So that's been the practice.

11 MODERATOR PAVAO: Thank you.

12 GLORIA FREEMAN: And there was one
13 other question about how many bridge constructions are
14 completed on schedule.

15 MODERATOR PAVAO: I don't have the
16 answer to that, the statistics of that. But we can
17 certainly respond to that with the written responses.

18 GLORIA FREEMAN: Thank you.

19 MODERATOR PAVAO: You're welcome.

20 Yes, sir?

21 JOHN HALLGREN: John Hallgren, a summer
22 resident of South Chatham. And I came here simply
23 because of a couple of words I saw in the paper and
24 saw in the notice. And I know it's been mentioned a

1 couple of times by a couple of speakers, and that was
2 the concrete pier caps. And, because I'm going to be
3 going to Florida in a couple of weeks for a while, so
4 I just wanted to say when I saw that and I saw the
5 pictures I thought maybe there could be a way that you
6 could simply, as you're doing those concrete pier
7 caps, which I know you probably need for, you know,
8 for safety and so on, put some sort of like pegs in
9 there and then attach some wood panel covers to make
10 them look a little bit more woody. And that way, at
11 least from the -- granted, not from the bottom where
12 the piers come in it wouldn't be able to be possible,
13 but if you had some small detachable panels that were
14 wood, timber, and so on, that could be removed for
15 inspection. It's not perfect, but it might be a
16 compromise way to make the bridge look a little bit
17 more authentic and remove the look of the concrete
18 without much additional cost.

19 I'm not sure if somebody's ever thought
20 about doing that before, but it's just something that
21 sort of, essentially, like I said, maybe a shutter or
22 something concept, you know, maybe hinged at the top
23 or whatever would work. I was thinking, you know, I
24 said maybe pins or something you panel.

1 And the other thing was in the picture
2 I saw, it looked like one of the abutments, it looked
3 like there was basically the side facing the channel
4 was more or less pure concrete as opposed to the
5 stone. And I think maybe that you would want to
6 potentially veneer, if nothing else, maybe a thin
7 veneer of stone wraparound so you don't see that
8 concrete wall again because, you know, just in terms
9 of looks. And that's -- I was just -- I mean I've
10 heard a lot of the speeches tonight, and everyone's
11 probably worth of C-SPAN. But, you know, I just want
12 to do a quick, you know, suggestion of maybe a way to
13 solve one of the problems.

14 MODERATOR PAVAO: Thank you for your
15 comments.

16 Just a quick point on that. We have
17 discussed what you've mentioned, cladding the piers.
18 It's something that we'll be talking to the consulting
19 parties as well as the stone treatments as part of the
20 106 commitment and the MOA.

21 Yes, sir?

22 DON AIKMAN: I'm Don Aikman from the
23 Historical Commission.

24 I'd just like to comment on the fact

1 that your engineer told me specifically that there's
2 no reason why you couldn't use wood pile caps as
3 opposed to concrete. And that was at a meeting here
4 in this room some time ago. So, I would like to see a
5 serious consideration of wood pile caps as opposed to
6 the concrete pile cap.

7 Thank you.

8 MODERATOR PAVAO: Thank you for your
9 comment.

10 Anyone else?

11 BETSY MERRITT (by phone): This is
12 Betsy Merritt with the National Trust for Historic
13 Preservation. I was interested in making a couple of
14 quick comments. Would this be the appropriate time
15 for me to do so?

16 MODERATOR PAVAO: Yes, go right ahead,
17 Betsy.

18 BETSY MERRITT: Well, I, first of all,
19 want to thank you for making it possible for those of
20 us from out of town to call in to the meeting. I
21 think it's been extremely helpful.

22 We plan to submit written comments by
23 December 7th, but I wanted to just mention that our
24 primary concern has to do with Section 4(f) because

1 the National Trust has a long history of enforcing
2 compliance with Section 4(f) and we've defended
3 Section 4(f) legislatively and it's an important
4 policy for us.

5 In this case, because we all agree that
6 there's no way to avoid replacing the bridge -- that's
7 the one issue that I think we have broad consensus on
8 -- then Section 4(f) requires two things. One is
9 choosing the least harmful alternative that is
10 feasible and prudent, and that's Alternative 1B, which
11 it's acknowledged is a feasible and prudent
12 alternative, and also incorporating design measures
13 and mitigation measures that represent all possible
14 planning to minimize harm. And the theme that the
15 consulting parties in Section 106 all repeatedly
16 emphasize, including the Federal Advisory Council and
17 Historic Preservation, is the theme of more wood and
18 less concrete and steel in order to be consistent with
19 the character of the historic bridge and the reference
20 by the Keeper to the importance of in-kind replacement
21 of materials.

22 And we've been concerned by the
23 reluctance of the transportation agencies to commit
24 even to the issue of wooden pier caps, or even wooden

1 cladding on pier caps. And, in fact, it almost seems
2 as though there's backpedaling on this issue rather
3 than progress towards achieving wooden pier caps,
4 which, of course, do not involve wood in the water.
5 And so it could be viable.

6 We are concerned about the location of
7 the Programmatic 4(f) Evaluation in this, and will be
8 elaborating that in more detail in our written
9 comments.

10 Can I ask, is there anyone from Federal
11 Highway Administration who is present at the hearing
12 this evening?

13 MODERATOR PAVAO: Federal Highway was
14 unable to attend tonight.

15 BETSY MERRITT: Okay. Okay. Well,
16 another Section 4(f) issue that we're concerned about
17 is the public path across the private property at the
18 northeast quadrant. It seems that that is not being
19 properly addressed as a Section 4(f) recreational
20 resource. It's not a historic resource, but we have
21 concerns about the integrity of how Section 4(f) is
22 applied and how the de minimis exemption is applied
23 and then proof of this because we played a role in
24 developing that provision. And so I think we'd like

1 to see more information about how that particular
2 path, not the path across the Town property but the
3 public path on the private parcel, is analyzed under
4 Section 4(f) and more information is needed for that.

5 So, in order to avoid repetition with a
6 number of the earlier speakers, who I think very
7 eloquently captured a lot of the comments that many of
8 the consulting parties have been making repeatedly, I
9 just wanted to make those brief points. We will
10 follow up with more detail in a letter.

11 And, thank you, again, for allowing us
12 to participate by telephone.

13 MODERATOR PAVAO: Thank you, Betsy.

14 Is there anyone else on the phone lines
15 that would like to speak?

16 (No response.)

17 MODERATOR PAVAO: Is there anyone else
18 in the public who would like to speak?

19 (No response.)

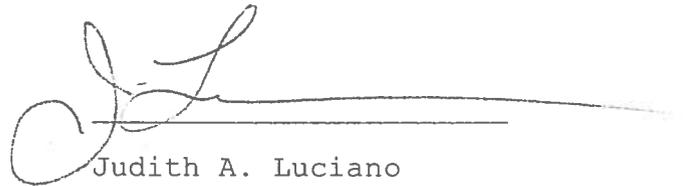
20 MODERATOR PAVAO: Well, if there's no
21 further comments, then it's 8:47. I'm going to
22 declare the public hearing closed.

23 Thank you for coming.

24 (Whereupon, the hearing was concluded at 8:47 p.m.)

C E R T I F I C A T E

I, Judith A. Luciano, do hereby certify that the foregoing record is a true and accurate transcription of the proceedings in the above-captioned matter to the best of my skill and ability.



Judith A. Luciano

**** ALL NAMES NOT PROVIDED WERE SPELLED PHONETICALLY TO THE BEST OF MY ABILITY**

Arlington Reporting Company
(339) 674-9100





PUBLIC HEARING SIGN-IN SHEET

Project:	Chatham – Mitchell River Bridge Replacement Project (603690)	Hearing Date: November 27, 2012
Facilitator:	MASSDOT – HIGHWAY DIVISION	Place/Room: Chatham Community Center

	Name (Please Print)	Affiliation	Phone
1	Joseph Pavao	Highway Division – Accelerated Bridge Program	857-368-9287
2	John Fallon	MassDOT	617-973-7408
3	GEORGE MYERS	Section 106 ^{CONSULTING} PARTY	617-645-1177
4	MAURA SULLIVAN	MASSDOT/ABP	617-973-8050
5	Blanchard	" ENV	857-368-8805
6	CRAIG SHEEHAN	MASSDOT	781 424 9146
7	BART DUNBAR	OWNER (BOLTYARD) 43-45 FELIP HANNEY	401 641 8067
8	Jania Freeman	Citizen	508-945-4175
9	Rebecca Arnold	"	509945-2965
10	Jill Goldsmith	Chatham TMM Mgr	508 945 5105
11	Michael Pease	Pease Boat Works	508-945-7800
12	David Wells	Pease Boat Works	774-722-4692
13	Shorene Seldin	BOS	508 945 4464
14	Joe Seldin	Citizen	"
15	Jeffrey Shrimpton	MASSDOT	857-368-8824



massDOT
 Massachusetts Department of Transportation
 Highway Division

PUBLIC HEARING SIGN-IN SHEET

Project:	Chatham – Mitchell River Bridge Replacement Project (603690)	Hearing Date:	November 27, 2012
Facilitator:	MASSDOT – HIGHWAY DIVISION	Place/ Room:	Chatham Community Center

	Name (Please Print)	Affiliation	Phone
16	SEAN ROSS	MASSDOT	(857) 360-8814
17	FRANK MESSINA	Chatham Historical Comm	508-432-4983
18	Robert Dow	Chatham FINCOM	508 945-4032
19	DOU AUKMAN	Chat Hist Comm	508 945-0369
20	Mike Bastoni	MassDOT	857 768 8769
21	Pamela Hazzner	MassDOT	508-884-4239
22	Tim Dexter	Mass DOT	
23	Bill Travers	MassDOT DS	508 884-4219
24	Steve Buckley	@OpenGovMetrics	508-348-9090
25	JOHN HALLGREN	NON-RES/ CITIZEN	727-346-6464
26	David R Whitcomb	Chatham BOS	508-945-1978
27	LEN SUSSMAN	CHATHAM BOS	508 945-3296
28	BILL HORRUCKS	CHATHAM	508-945-7088
29	Mark Shanin	URS	857-383-3831
30	Jeff Colby	Chatham DPW	508-945-5155



PUBLIC HEARING SIGN-IN SHEET

Project:	Chatham - Mitchell River Bridge Replacement Project (603690)	Hearing Date:	November 27, 2012
Facilitator:	MASSDOT - HIGHWAY DIVISION	Place/Room:	Chatham Community Center

	Name (Please Print)	Affiliation	Phone
31	JOHN CAUZER	CHATHAM POLICE DEPT.	508-945-1217
32	Nancy Koerner	Citizen	508 945 1912
33	William Koerner	"	" " "
34	DONNA RHODES	Chatham Resident	508-945-1737
35	Notre Dame	" "	508 945 1627
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COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS DEPARTMENT OF TRANSPORTATION-HIGHWAY DIVISION

NOTICE OF PUBLIC HEARING
CHATHAM MITCHELL RIVER BRIDGE REPLACEMENT PROJECT
Project File No. 603690

MassDOT Highway Division will hold a Public Hearing to present the Environmental Assessment (EA) and seek public comments on the EA for the proposed Mitchell River Bridge Replacement Project in Chatham, MA.

WHERE: Chatham Community Center
702 Main Street
Chatham, MA

WHEN: Tuesday, November 27, 2012
6:30 – 9:00 PM

PURPOSE: The purpose of public hearing is to seek public comments on the Environmental Assessment for the proposed Mitchell River Bridge Replacement Project.

PROPOSAL: The purpose of the project is to remedy the bridge's structural deficiencies and functional obsolescence, while keeping with the context of the surrounding area and accommodating all existing and future uses of the bridge. The project need is a result of the structure's classification as "structurally deficient" and "functionally obsolete."

The alternatives considered in the EA include the No Build, Timber Superstructure on Timber Substructure with Timber Bascule Span with Concrete Bascule Pier alternative and Timber Superstructure on Concrete and Steel Substructure with Steel Bascule Leaf on Concrete Bascule. The latter is identified in the EA as MassDOT's preferred alternative and consists generally of an all timber superstructure (including the wearing surface, structural deck, beams, sidewalks, and railings) with the exception of the bascule leaf frame. The superstructure would be supported on pile bent substructure units constructed with concrete-filled steel piles and concrete caps. The bascule span superstructure consists of a timber roadway deck and sidewalks on steel open grid flooring panels on the concrete bascule pier substructure. Additional improvements include transitioning and resurfacing of the approach roadways. The navigable channel will also be shifted 5 feet to the west and widened to provide 25 feet of horizontal clearance, fender to fender.

The Environmental Assessment and Plans will be on display one-half hour before the meeting begins, with an engineer in attendance to answer questions regarding this project. A copy of the EA is available for public review at the Eldredge Public Library, 564 Main Street in Chatham, Massachusetts. To receive a copy of the document by mail, please contact Michael Bastoni, MassDOT, at (857) 368-8789 or michael.bastoni@state.ma.us.

Comments on the Environmental Assessment must be submitted by December 7, 2012. Written statements and other exhibits in place of, or in addition to, oral statements made at the Public Hearing regarding the proposed undertaking are to be submitted to Pamela S. Stephenson, Division Administrator, Federal Highway Administration, 55 Broadway, 10th Floor, Cambridge, MA 02142, Attention: Damaris Santiago; with a copy to Thomas F. Broderick, P.E., Chief Engineer, MassDOT Highway Division, 10 Park Plaza, Boston, MA 02116, Attention: Michael Bastoni, Project File No. 603690. Such submissions will also be accepted at the meeting. Project inquiries may be emailed to dot.feedback.highway@state.ma.us.

This meeting location is accessible to people with disabilities. MassDOT provides reasonable accommodations and/or language assistance free of charge upon request (including but not limited to interpreters in American Sign Language and languages other than English, open or closed captioning for videos, assistive listening devices and alternate material formats, such as audio tapes, Braille and large print), as available. For accommodation or language assistance, please contact MassDOT's Director of Civil Rights by phone at (857)-368-8580, TTD/TTY at (617) 973-7715, fax (617) 973-7311 or by email to MASSDOT.CivilRights@dot.state.ma.us. Requests should be made as soon as possible prior to the meeting, and for more difficult to arrange services including sign-language, CART or language translation or interpretation, requests should be made at least ten business days before the meeting.

In case of inclement weather, hearing cancellation announcements will be posted on the internet at <http://www.massdot.state.ma.us/Highway>.

RANK DEPAOLA, P.E.
HIGHWAY ADMINISTRATOR

THOMAS F. BRODERICK, P.E.
CHIEF ENGINEER

Boston, Massachusetts

