

Terry Whalen

From: Leonard Sussman [lmsarch@comcast.net]
Sent: Monday, November 29, 2010 3:42 PM
To: Terry Whalen
Subject: RE: Mitchell River Bridge Follow Up

Terry -

The letter looks great. We might want to add that BOS representation includes a member of its advisory committee on capital projects - the CPRC. Unless, of course, you're planning to send a separate letter on their behalf.

- Len

From: Terry Whalen [mailto:twhalen@chatham-ma.gov]
Sent: Monday, November 29, 2010 2:58 PM
To: Leonard Sussman
Cc: Linda Smulligan; William Hinchey
Subject: Mitchell River Bridge Follow Up

Hi Len,

Hope you had a nice Thanksgiving!

Following up on our discussion last week and in anticipation of an update on the Mitchell River Bridge before the BOS next week (12/7) attached for your review and comment is a draft letter to officially request consulting status in the Section 106 process. Additionally, for next week's update I plan to touch base with Joe Pavao (MassDOT Project Manager) this week to include as much real time information as possible (e.g. projected consultation meeting date and other near-term milestones) in a cover memo to the Town Manager. I also plan to include all November 2010 correspondence in the package for the Board's information (which will also be placed on the Town's website).

Please let me know if you have any changes on the attached letter before I print on letterhead and include in the update package for next week.

Thanks,
Terry

Terence M. Whalen, AICP
Principal Planner
Department of Community Development
Office Location: 595 Main Street, Chatham, MA
Mail Address: 549 Main Street, Chatham, MA 02633
Phone: 508-945-5168 x475
FAX: 508-945-5163
Email: twhalen@chatham-ma.gov

12/10/2010

Terry Whalen

From: Terry Whalen
Sent: Monday, November 29, 2010 2:58 PM
To: Leonard Sussman
Cc: Linda Smulligan; William Hinchey
Subject: Mitchell River Bridge Follow Up
Attachments: TW_BOS_MRB106_12_07_10.doc

Hi Len,

Hope you had a nice Thanksgiving!

Following up on our discussion last week and in anticipation of an update on the Mitchell River Bridge before the BOS next week (12/7) attached for your review and comment is a draft letter to officially request consulting status in the Section 106 process. Additionally, for next week's update I plan to touch base with Joe Pavao (MassDOT Project Manager) this week to include as much real time information as possible (e.g. projected consultation meeting date and other near-term milestones) in a cover memo to the Town Manager. I also plan to include all November 2010 correspondence in the package for the Board's information (which will also be placed on the Town's website).

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Terry

Terence M. Whalen, AICP
Principal Planner
Department of Community Development
Office Location: 595 Main Street, Chatham, MA
Mail Address: 549 Main Street, Chatham, MA 02633
Phone: 508-945-5168 x475
FAX: 508-945-5163
Email: twhalen@chatham-ma.gov

December 7, 2010

Mr. Richard Marquis
Acting Division Administrator
FHWA - Massachusetts Division
55 Broadway 10th Fl.
Cambridge, MA 02142

**RE: Section 106 Consulting Party Status
Mitchell River Bridge Project**

Dear Mr. Marquis,

On behalf of Chatham's Board of Selectmen, I would like to reaffirm the Town's role in the Mitchell River Bridge Project and officially request status as a consulting party in the Section 106 process (36 CFR Part 800). The Town is looking forward to working with FHWA, MassDOT and all the consulting parties on this very important project.

Very truly yours,

Leonard Sussman, Chair
Chatham Board of Selectmen

cc: *Damaris Santiago, Environmental Engineer – FHWA Massachusetts Division*
Jeffrey Shrimpton Cultural Resources - MassDOT Highway Division
Norm Pacun, Friends of the Mitchell River Wooden Drawbridge

Terry Whalen

From: Leonard Sussman [len@crowspod.com]
Sent: Monday, November 22, 2010 10:23 AM
To: 'Florence seldin'
Cc: Terry Whalen; hincher51@hotmail.com
Subject: RE:

Will do. I'm still expecting a first Bridge meeting with the enlarged cast of characters ("consulting parties") to be scheduled for December, but we haven't heard anything yet from MassDOT as to a specific date and December is just around the corner. The Friends have officially received notification of their appointment, but I'm not sure about others (e.g., Historical Commission). Norm has a list of additional candidates not originally considered by MassDOT, no word yet as to whether these parties will be invited to the table.

- Len

-----Original Message-----

From: Florence seldin [mailto:florencecape@comcast.net]
Sent: Monday, November 22, 2010 9:58 AM
To: Leonard Sussman
Subject: re:

Len

In the midst of everything I have been reading the memos from bridge group and the keeper's letter.

Could you put the bridge on future agenda? If you think it should wait until after STM that would be fine. But it seems BOS should understand impact of Keeper's letter and what is currently taking place. I know you have been representing us at these meetings.

Thanks

Florence

Terry Whalen

From: Pavao, Jr., Joseph (DOT) [Joseph.Pavao.Jr@state.ma.us]
Sent: Saturday, November 20, 2010 9:11 AM
To: George Myers
Cc: Terry Whalen; Mark_Shamon@URSCorp.com; Elnahal, Shoukry (DOT); Donald, Thomas (DOT)
Subject: RE: Mitchell River Bridge

George,

Thank you for your comments and for your support for the project. Although I was not part of the previous public meetings, I have read all of the meeting minutes and recently had a meeting with the Town in order to fully understand the public issues. As you mention in your email, my direction to the design consultant to pursue the 2' shoulder as opposed to the original 4' shoulder was a result of comments received from the previous public meetings. It appears that the general comments had to do with keeping the bridge at the current width both from an aesthetic reason and also to discourage drivers from traveling at higher speeds due to a wider bridge. As you also mention, the Town Officials and the Bikeways Committee have also endorsed this approach. It is also important to note that the approaches on either side of the bridge currently have no shoulders along Mitchell Road and I do not believe that there are any plans by the Town to widen and restripe wider shoulders in this area. This among other design considerations was the basis of our direction to the consultant. If you would like to discuss this particular issue, please call me and I would be happy to discuss this issue with you.

Please keep in mind that we will be holding a public information meeting in the near future to discuss these and other concerns with the public. Thank you again for your comments and I hope to speak with you soon.

Joseph A. Pavao, Jr., P.E.

MassDot - Highway Division

Accelerated Bridge Program

10 Park Plaza, Rm 6500

Boston, MA 02116

Tel: (617) 973-8178

Fax: (617) 973-7554

Joseph.pavao@state.ma.us

www.mass.gov/massdot

From: George Myers [mailto:urkreksir@aol.com]
Sent: Thursday, November 18, 2010 9:13 PM
To: Pavao Jr, Joseph (DOT); twhalen@chatham-ma.gov; imsarch@comcast.net
Subject: Mitchell River Bridge

Gentlemen:

My name is George Myers and I am a year round resident of South Chatham. I have been closely following the progress of the replacement of the Mitchell River drawbridge for the past year or so. I am a vigorous supporter of MassDOT's design of the drawbridge and I opposed seeking eligibility on the National Register for the drawbridge as did the Board of Selectmen. My interest and support for the MassDOT design is based in part on making sure that the federal and state funding for the bridge is not jeopardized. Because I am a cyclist, I am also interested in a replacement bridge that is safer for cyclists. As I understand it from Mr Pavao's e-mail dated November 2 to Mr Whalen (posted on the

Town of Chatham's website), MassDOT "will pursue a 2' shoulder (reduced from 4') as requested by public comment to match the existing [bridge] structure width."

As a cyclist who has cycled over the Mitchell River bridge many times, a two foot shoulder for a bike lane is, in my opinion, much too narrow. I personally would prefer the MassDOT original four foot wide shoulder for a bike lane. As I understand it, the so-called "local bike advocates" who support the narrower (two foot) bike lane are the members of Chatham's Bikeways Committee comprising six Chatham citizens. Attached are the minutes of the Bikeways Committee meeting of March 29, 2010 setting forth the Committee's position on bike lanes at that time. Assuming the "letter from the local bike advocates supporting this [2' shoulder] decision" refers to a letter from Chatham's Bikeways Committee, I wish to point out that, unless that Committee performed some sort of survey of cyclists of which I am unaware, the "public comment" represents the voices of, at most, six people.

The fact that there are no bike lanes on Bridge Street as noted by the Committee in its March 29 minutes is, in my opinion, irrelevant to whether there should be bike lanes on the bridge itself because cyclists, myself included, frequently dismount on the bridge to view Stage Harbor and its surroundings, the boats in Stage Harbor and the Mitchell River, and people fishing from the bridge walkways. To my knowledge, there has never been a prohibition against cyclists stopping on the bridge. A four foot wide bike lane on either side of the bridge would clearly be a safer alternative to two foot wide lanes. I also see no need to "match the existing structure width" as advocated by some.

I agree with MassDOT regarding its reservations about the use of wood timbers for the main bridge deck. The existing wood timbers on the bridge pose a significant danger to cyclists because of the unevenness and looseness of those timbers and I am certain that virtually every cyclist who has pedaled over the existing bridge will confirm the dangerousness of the timber bridge surface.

Though I do not have any special status that would justify giving any weight to my comments above, I respectfully request that, as a member of the public and a cyclist, my comments at least be given consideration.

Respectfully,

George Myers

Terry Whalen

From: Terry Whalen
Sent: Friday, November 19, 2010 8:40 AM
To: Andrew Siffard; Dan Sylver; Debbie Aikman; Sam Streibert
Cc: William Hinchey; Linda Smulligan
Subject: FW: Mitchell River Bridge
Attachments: Bikeways Comm Minutes 3-29-10.PDF

Dear CPRC Members,

Below please find a comment on the Mitchell River Bridge Project for your consideration.

As we get closer to a design that the Committee will need to review (when it is provided by MassDOT), I plan to provide the CPRC with an informational package that will also contain all correspondence related to design issues from interested entities received on the project.

See you this morning at 10 AM,
Terry

From: Terry Whalen
Sent: Friday, November 19, 2010 8:30 AM
To: 'George Myers'
Cc: Jeff Colby; Paul Lagg; Leonard Sussman; 'Pavao, Jr., Joseph (DOT)'
Subject: RE: Mitchell River Bridge

Dear Mr. Myers,

As you have already forwarded your below comments onto the MassDOT, I will also forward them along to the Town's Capital Project Review Committee (CPRC) for their consideration as they review future design alternatives on behalf of the Board of Selectmen. Additionally, your email will also become part of the Town's file on the Mitchell River Bridge Project.

Thank you for your comment,
Terry Whalen

From: George Myers [mailto:urkreksir@aol.com]
Sent: Thursday, November 18, 2010 9:13 PM
To: joseph.pavao.jr@state.ma.us; Terry Whalen; imsarch@comcast.net
Subject: Mitchell River Bridge

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12/10/2010

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Respectfully,

George Myers

Chatham Town Office

549 Main Street, Chatham, MA 02633
ph: 508-945-5100
fx: 508-945-3550

Meeting Minutes 3/29/10

BIKEWAYS COMMITTEE MEETING
March 29, 2010, 4:00 pm
Community Center

Present: Karen McPherson, Ron Holmes, Wayne Gould, Doug Nichols, Jeff Colby.

Ron reminded those present that the ethics training certification is due to the town clerk by Friday, April 2.

Mitchell River Bridge: From the design standpoint: should the bridge have 1 or 2 bike lanes – or no bike lanes at all? The state is recommending two 4' bike lanes, which is what now is on George Ryder Road. The entire bridge would be 30' wide. The consensus of the Bikeways Committee is that segregated bike lanes may not be a good idea, but that bicycles should proceed as part of general traffic, since Bridge Street itself does not have bike lanes. The state is proposing scoring the surface of the bridge to help with calming traffic and to give the semblance of a wooden deck. Without bike lanes, the bridge would have 2- 12' lanes for all bicycle and automobile traffic. The Committee supports some sort of traffic calming as now proposed with the scoring of a concrete deck.

There is a feeling that the town should post a reduced speed sign for the bridge.

Wayne reported that the police have taken action with regard to the use of the "ancient way" by a motorized vehicle. Part of the area traveled is private property; in addition, the law prohibits any motorized vehicle on or across a bike trail.

Jeff Colby will check with Paul Lagg about the order of trail maps for the coming season. There are probably enough maps floating around to get us through the next month or so.

The meeting was adjourned at 5:00 pm.

Terry Whalen

From: Terry Whalen
Sent: Friday, November 19, 2010 8:30 AM
To: George Myers
Cc: Jeff Colby; Paul Lagg; Leonard Sussman; Pavao, Jr., Joseph (DOT)
Subject: RE: Mitchell River Bridge

Dear Mr. Myers,

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existing bridge will confirm the dangerousness of the timber bridge surface.

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Respectfully,

George Myers

Terry Whalen

From: Pease Boatworks & Railway [info@peaseboatworks.com]
Sent: Wednesday, November 17, 2010 9:43 AM
To: Damaris.Santiago@dot.gov; jeffrey.shrimpton@state.ma.us; Terry Whalen; Brad Pease
Subject: Mitchell River Draw Bridge

Hi Damaris,

I received your contact info. from Terry Whalen, Town of Chatham.

We at Pease Boat Works & Marine Railway are the principal commercial users of the draw bridge and have consistently through the years worked with the USCG, town officials, etc to keep the bridge maintained and usable in as safe and functional state as possible. The working bridge is crucial to our well being so the replacement process is a very high priority to us.

Therefore, we would like to be part of the process(106) and request being a formal party of interest so we can participate and lend our very important perspective and experience. Please let me know what we need to do. I can be contacted via return email or by phone and look forward to hearing from you.

Sincerely,
Michael Pease
PEASE BOAT WORKS & MARINE RAILWAY
PHONE: 508-945-7800

cc/ Jeffrey Shrimpton
Mass. dept.. of transportation

Terry Whalen

From: Damaris.Santiago@dot.gov
Sent: Wednesday, November 17, 2010 9:05 AM
To: Terry Whalen
Subject: RE: bridge

No problem.
Thank you.

Please have letters addressed to:
Richard Marquis
Acting Division Administrator
Attn: Damaris Santiago

Lucy Garliauskas has moved on to a leadership position in DC and it's not the Division Administrator anymore.

D/

Damaris Santiago
Environmental Engineer

55 Broadway 10th Floor
Cambridge, MA 02142
ph: 617-494-2419
Fax: 617-494-3355
Damaris.Santiago@dot.gov

☞ Please consider the environment before printing this email

-----Original Message-----

From: Terry Whalen [mailto:twhalen@chatham-ma.gov]
Sent: Wednesday, November 17, 2010 9:03 AM
To: Santiago, Damaris (FHWA)
Subject: RE: bridge

I will have the Selectmen send a formal request as the Friends have done.

-----Original Message-----

From: Damaris.Santiago@dot.gov [mailto:Damaris.Santiago@dot.gov]
Sent: Wednesday, November 17, 2010 8:51 AM
To: Terry Whalen
Subject: RE: bridge

No. We have not sent them yet. However, we have not done it for any project that I remember. That doesn't mean we are not considering them part of the process that already is underway.

Damaris Santiago
Environmental Engineer

55 Broadway 10th Floor
Cambridge, MA 02142
ph: 617-494-2419
Fax: 617-494-3355
Damaris.Santiago@dot.gov

☞ Please consider the environment before printing this email

-----Original Message-----

From: Terry Whalen [mailto:twhalen@chatham-ma.gov]
Sent: Wednesday, November 17, 2010 8:50 AM
To: Santiago, Damaris (FHWA)
Subject: RE: bridge

Thanks!

Has a formal invite been sent to the BOS?

Please let me know.

Thanks,
Terry

-----Original Message-----

From: Damaris.Santiago@dot.gov [mailto:Damaris.Santiago@dot.gov]
Sent: Tuesday, November 16, 2010 12:59 PM
To: Terry Whalen
Subject: RE: bridge

It should be me, with cc to Jeff Shrimpton. I ultimately send him all I get here on that project. So far I have been receiving request to be included as consulting parties from Indiana SPANS group, and James Cooper. Those are in addition to the ones we previously identified or that previously expressed interest in becoming a consulting party, like the Friends, the Board of Selectmen, etc.

Damaris Santiago
Environmental Engineer

55 Broadway 10th Floor
Cambridge, MA 02142
ph: 617-494-2419
Fax: 617-494-3355
Damaris.Santiago@dot.gov

☞ Please consider the environment before printing this email

-----Original Message-----

From: Terry Whalen [mailto:twhalen@chatham-ma.gov]
Sent: Tuesday, November 16, 2010 9:52 AM
To: Santiago, Damaris (FHWA)
Subject: Fw: bridge

Hi Damaris,

Hope all is well.

Should other entities looking to participate in the 106 process for the Mitchell River Bridge contact you or MassDOT (or both)?

Please let me know.

Thanks,
Terry

Sent using BlackBerry

----- Original Message -----

From: Pease Boatworks & Railway <info@peaseboatworks.com>
To: Terry Whalen; Brad Pease <ccmt@verizon.net>
Sent: Mon Nov 15 11:56:13 2010
Subject: bridge

Terry,

Pease Boat works as a principal user of the draw bridge would like to be an official consulting party so we can be part of the bridge renewal process. Will you either enroll us or furnish the necessary paper work for this? Also will you please forward to our email all related email or written correspondence thus far that has emanated from or sent to the other official consulting parties? The link to any web based information.....help bring us up to date with the others.

Thank you for your consideration to this matter and sorry we did not do this earlier.

Mike Pease
Pease Boat Works
508-945-7800

Terry Whalen

From: Terry Whalen
Sent: Wednesday, November 17, 2010 9:01 AM
To: Pease Boatworks & Railway
Cc: Damaris.Santiago@dot.gov; Shrimpton, Jeffrey (DOT)
Subject: RE: bridge

Hi Mike,

In order to request official participation in the Section 106 process (Historic Consultation) for the Mitchell River Bridge Project you will need to contact:

Damaris Santiago, Environmental Engineer
Federal Highway Administration - MA Division
55 Broadway 10th Floor
Cambridge, MA 02142
ph: 617-494-2419
Fax: 617-494-3355
Damaris.Santiago@dot.gov

A copy of any request should also be copied to:

Jeffrey Shrimpton
Cultural Resources Specialist
Massachusetts Department of Transportation -- Highway Division
Environmental Services
10 Park Plaza -- Room 4260
Boston, MA 01930-3973
Telephone: (617) 973-7497
Fax: (617) 973-8879
jeffrey.shrimpton@state.ma.us

Please let me know if you have any further questions.

Talk to you soon,
Terry

-----Original Message-----

From: Pease Boatworks & Railway [mailto:info@peaseboatworks.com]
Sent: Monday, November 15, 2010 11:56 AM
To: Terry Whalen; Brad Pease
Subject: bridge

Terry,

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Thank you for your consideration to this matter and sorry we did not do this earlier.

Mike Pease
Pease Boat Works
508-945-7800

Terry Whalen

From: Norman Pacun [clamknife@comcast.net]
Sent: Tuesday, November 16, 2010 8:46 AM
To: Terry Whalen
Cc: Leonard Sussman
Subject: Fw: Chatham - Mitchell River Project - Section 106

Terry:

Per the email from Damaris Santiago of FHWA, this will confirm that the Friends have been given consulting party status under Section 106.

Norm Pacun

----- Original Message -----

From: Damaris.Santiago@dot.gov
To: clamknife@comcast.net
Sent: Monday, November 15, 2010 1:07 PM
Subject: Chatham - Mitchell River Project - Section 106

Dear Norman,

I just received your letter reiterating your interest in being a consulting party. This is to confirm you are included in the list of consulting parties under the Section 106.

Future correspondence to our division administrator should be addressed to: Richard Marquis, Acting Division Administrator.

Thanks,

D/

Damaris Santiago
Environmental Engineer

55 Broadway 10th Floor
Cambridge, MA 02142
ph: 617-494-2419
Fax: 617-494-3355
Damaris.Santiago@dot.gov



 Please consider the environment before printing this email

Terry Whalen

From: Pease Boatworks & Railway [info@peaseboatworks.com]
Sent: Monday, November 15, 2010 4:22 PM
To: Terry Whalen
Subject: Re: bridge

Thanks Terry.

On 11/15/2010 3:14 PM, Terry Whalen wrote:

Mike,

I am out of the office today and tomorrow but I would suggest you go the

Talk to you soon,
Terry

Sent using BlackBerry

----- Original Message -----

From: Pease Boatworks & Railway <info@peaseboatworks.com>
To: Terry Whalen; Brad Pease <ccmt@verizon.net>
Sent: Mon Nov 15 11:56:13 2010
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Thank you for your consideration to this matter and sorry we did not do this earlier.

Mike Pease
Pease Boat Works
508-945-7800



No virus found in this incoming message.
Checked by AVG - www.avg.com
Version: 9.0.869 / Virus Database: 271.1.1/3258 - Release Date: 11/15/10

Terry Whalen

From: Terry Whalen
Sent: Wednesday, November 10, 2010 3:09 PM
To: Susan Rohrbach
Subject: FW: Mitchell River Bridge
Attachments: Mitchell River Bridge. Attachment to Letter requesting Consulting Party Status.wpd
FYI – Per our discussion

From: Norman Pacun [mailto:clamknife@comcast.net]
Sent: Wednesday, November 10, 2010 1:44 PM
To: Lucy.Garliauskas@dot.gov; Joseph.Pavao.Jr@state.ma.us; brona.simon@state.ma.us; Leonard Sussman; Terry Whalen; Carol Legard; Priscilla Leclerc; Betsy Merritt; indianabridges@sbcglobal.net; Kitty Henderson; Jim Igoe; Dorr Fox; jim cooper; Adams, Chris; mark.forest@mail.house.gov; skorjeff@capecodcommission.org; luisa.paiewonsky@state.ma.us; Bob Oliver
Cc: Norman Pacun
Subject: Mitchell River Bridge

**FRIENDS OF THE MITCHELL RIVER WOODEN
DRAWBRIDGE**

C/O 14 SUNSET LANE

CHATHAM, MA 02633

November 9, 2010

Ms. Lucy Garliauskas

Division Administrator

Massachusetts Division

Federal Highway Administration

55 Broadway, 10th Floor

Cambridge, MA 02142

Re: Mitchell River Bridge, Chatham, MA

Request for Consulting Party

Status for the Friends of the Mitchell River Wooden Drawbridge

Dear Ms. Garliauskas:

In accordance with the federal regulations contained in 36 CFR Part 800 (Protection of Historic Properties), the Friends of the Mitchell River Wooden Drawbridge ("Friends") hereby reiterate our earlier request for Consulting Party Status under Section 106 of the National Historic Preservation Act which we transmitted to you by email on March 18, 2010. This was part of our request that the decision of the Massachusetts State Historic Preservation Officer that the Mitchell River Bridge ("Bridge") did not qualify for National Register eligibility promptly be referred by your agency to the Keeper for final decision. A copy of our email is also attached to

12/10/2010

this letter for your reference.

Following the request by the Advisory Council on Historic Preservation on May 24, 2010, that this project should be referred to the Keeper for a formal Determination of Eligibility (DOE), your agency, in cooperation with the MassDOT-Highway Division, did finally request such a DOE by letter of September 3, 2010, as received by the Keeper on September 6, 2010.

On September 8th, the Friends submitted our response to the Keeper, including extensive supporting documentation to confirm that the Bridge was a rare surviving example of a timber and trestle single leaf drawbridge and that it was the last such Bridge in Massachusetts and in the entire United States. Letters and expressions of support for the Friends' position were filed by numerous preservation organizations including the National Trust for Historic Preservation, the Indiana Historic SPANS Task Force, PreservationMassachusetts, the Historic Bridge Foundation, Professor James Cooper, and others, as well as the local Chatham Historical Commission.

On October 1, 2010, as you are aware, the Interim Keeper, Ms. Carol D. Shull, determined that the Bridge is eligible for the National Register under Criterion A for its association with local transportation history and under Criterion C as a rare surviving example of a structure embodying the distinctive characteristics of a once-common method of construction.

The Keeper's determination specifically found that the Bridge is the last remaining single-leaf wooden drawbridge in Massachusetts (and perhaps in the entire United States) and as such is of exceptional significance.

The Friends hereby submit that we are especially qualified to be given consulting party status pursuant to Section 800.2(c)(5) of the Regulations in light of our "demonstrated interest in the undertaking", and our long-standing "concern with the undertaking's effects on historic properties." Specifically:

1. We have been the lead organization, from the outset in 2009, to seek to have the Bridge declared eligible for the National Register. As such, we filed extensive documents with the Massachusetts SHPO, and when our request was denied, we followed that up with a prompt appeal to your agency and to the Advisory Council on Historic Preservation. As referred to above, we made a major submittal to the Keeper of the National Register in support of the Bridge's eligibility which culminated in a favorable determination.
2. Throughout this process, we have communicated our concerns, both in writing and orally, regarding the proposal of MassDOT and your agency to raze the Bridge and replace it with a bridge design that we consider incompatible with the historic character of the bridge and its setting and the surrounding community.
3. We have continued to be in contact with the Town of Chatham officials, including staff and the chairman of the Board of Selectmen, as well as the Historical Commission, and to inform them of the importance of including the Friends as part of the Section 106 process and of our continuing belief that the Bridge can and should be reconstructed as a timber drawbridge.
4. The Friends are prepared to meet all necessary obligations as a consulting party, including the attendance at meetings both locally and elsewhere and the timely submission and review of documents and materials as required.

Accordingly, we believe that the Friends meet the requirements for Consulting Party status because of our fully demonstrated interest in the undertaking being considered herein, our strong participation in the environmental review process, and our concern with the undertaking's effects on this very historic property.

We ask, therefore, that you advise us promptly that our request has been approved and that we be informed fully as to the steps being taken by your agency or MassDOT to comply with the Section 106 process, including a schedule of meetings and all relevant documentation.

Sincerely,

Norman Pacun

For the Friends of the Mitchell River Wooden Drawbridge

cc: Ms. Luisa Paiewonsky, Mr. Shoukry Elnahal and Mr. Joseph Pavao, Jr., MassDOT

Ms. Brona Simon, Massachusetts State Historic Preservation Officer

Hon. Wm. Delahunt and staff (Mr. Mark Forrest and Mr. Chris Adams)

Mr. Len Sussman, Ch., Town of Chatham Board of Selectman

Mr. Terry Whalen, Planner, Town of Chatham Planning Department

Mr. Robert Oliver, Ch., Chatham Historical Commission

Ms. Carol Legard, Ms. Charlene Vaughn, and Mr. Reid Nelson, Advisory Council on Historic Preservation

Ms. Priscilla LeClerc and Ms. Sarah Korjeff, Staff of Cape Cod Commission

12/10/2010

Elizabeth Merritt, Esq., Deputy General Counsel, National Trust for Historic Preservation

Mr. Paul Brandenburg, Indiana Historic SPANS Task Force

Ms. Kitty Henderson, Historic Bridge Foundation, Inc.

Mr. James Igoe and Mr. Dorr Fox, PreservationMassachusetts,

Prof. James Cooper

Terry Whalen

From: Norman Pacun [clamknife@comcast.net]
Sent: Wednesday, November 10, 2010 1:44 PM
To: Lucy.Garliauskas@dot.gov; Joseph.Pavao.Jr@state.ma.us; brona.simon@state.ma.us; Leonard Sussman; Terry Whalen; Carol Legard; Priscilla Leclerc; Betsy Merritt; indianbridges@sbcglobal.net; Kitty Henderson; Jim Igoe; Dorr Fox; jim cooper; Adams, Chris; mark.forest@mail.house.gov; skorjeff@capecodcommission.org; luisa.paiewonsky@state.ma.us; Bob Oliver
Cc: Norman Pacun
Subject: Mitchell River Bridge
Attachments: Mitchell River Bridge. Attachment to Letter requesting Consulting Party Status.wpd

**FRIENDS OF THE MITCHELL RIVER WOODEN
DRAWBRIDGE**

C/O 14 SUNSET LANE

CHATHAM, MA 02633

November 9, 2010

Ms. Lucy Garliauskas

Division Administrator

Massachusetts Division

Federal Highway Administration

55 Broadway, 10th Floor

Cambridge, MA 02142

Re: Mitchell River Bridge, Chatham, MA

Request for Consulting Party

Status for the Friends of the Mitchell River Wooden Drawbridge

Dear Ms. Garliauskas:

In accordance with the federal regulations contained in 36 CFR Part 800 (Protection of Historic Properties), the Friends of the Mitchell River Wooden Drawbridge ("Friends") hereby reiterate our earlier request for Consulting Party Status under Section 106 of the National Historic Preservation Act which we transmitted to you by email on March 18, 2010. This was part of our

12/10/2010

request that the decision of the Massachusetts State Historic Preservation Officer that the Mitchell River Bridge ("Bridge") did not qualify for National Register eligibility promptly be referred by your agency to the Keeper for final decision. A copy of our email is also attached to this letter for your reference.

Following the request by the Advisory Council on Historic Preservation on May 24, 2010, that this project should be referred to the Keeper for a formal Determination of Eligibility (DOE), your agency, in cooperation with the MassDOT-Highway Division, did finally request such a DOE by letter of September 3, 2010, as received by the Keeper on September 6, 2010.

On September 8th, the Friends submitted our response to the Keeper, including extensive supporting documentation to confirm that the Bridge was a rare surviving example of a timber and trestle single leaf drawbridge and that it was the last such Bridge in Massachusetts and in the entire United States. Letters and expressions of support for the Friends' position were filed by numerous preservation organizations including the National Trust for Historic Preservation, the Indiana Historic SPANS Task Force, PreservationMassachusetts, the Historic Bridge Foundation, Professor James Cooper, and others, as well as the local Chatham Historical Commission.

On October 1, 2010, as you are aware, the Interim Keeper, Ms. Carol D. Shull, determined that the Bridge is eligible for the National Register under Criterion A for its association with local transportation history and under Criterion C as a rare surviving example of a structure embodying the distinctive characteristics of a once-common method of construction.

The Keeper's determination specifically found that the Bridge is the last remaining single-leaf wooden drawbridge in Massachusetts (and perhaps in the entire United States) and as such is of exceptional significance.

The Friends hereby submit that we are especially qualified to be given consulting party status pursuant to Section 800.2(c) (5) of the Regulations in light of our "demonstrated interest in the undertaking", and our long-standing "concern with the undertaking's effects on historic properties." Specifically:

1. We have been the lead organization, from the outset in 2009, to seek to have the Bridge declared eligible for the National Register. As such, we filed extensive documents with the Massachusetts SHPO, and when our request was denied, we followed that up with a prompt appeal to your agency and to the Advisory Council on Historic Preservation. As referred to above, we made a major submittal to the Keeper of the National Register in support of the Bridge's eligibility which culminated in a favorable determination.
2. Throughout this process, we have communicated our concerns, both in writing and orally, regarding the proposal of MassDOT and your agency to raze the Bridge and replace it with a bridge design that we consider incompatible with the historic character of the bridge and its setting and the surrounding community.
3. We have continued to be in contact with the Town of Chatham officials, including staff and the chairman of the Board of Selectmen, as well as the Historical Commission, and to inform them of the importance of including the Friends as part of the Section 106 process and of our continuing belief that the Bridge can and should be reconstructed as a timber drawbridge.
4. The Friends are prepared to meet all necessary obligations as a consulting party, including the attendance at meetings both locally and elsewhere and the timely submission and review of documents and materials as required.

Accordingly, we believe that the Friends meet the requirements for Consulting Party status because of our fully demonstrated interest in the undertaking being considered herein, our strong participation in the environmental review process, and our concern with the undertaking's effects on this very historic property.

We ask, therefore, that you advise us promptly that our request has been approved and that we be informed fully as to the steps being taken by your agency or MassDOT to comply with the Section 106 process, including a schedule of meetings and all relevant documentation.

Sincerely,

Norman Pacun

For the Friends of the Mitchell River Wooden Drawbridge

cc: Ms. Luisa Paiewonsky, Mr. Shoukry Elnahal and Mr. Joseph Pavao, Jr., MassDOT

Ms. Brona Simon, Massachusetts State Historic Preservation Officer

Hon. Wm. Delahunt and staff (Mr. Mark Forrest and Mr. Chris Adams)

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Mr. Terry Whalen, Planner, Town of Chatham Planning Department

Mr. Robert Oliver, Ch., Chatham Historical Commission

Ms. Carol Legard, Ms. Charlene Vaughn, and Mr. Reid Nelson, Advisory Council on Historic Preservation

Ms. Priscilla LeClerc and Ms. Sarah Korjeff, Staff of Cape Cod Commission

Elizabeth Merritt, Esq., Deputy General Counsel, National Trust for Historic Preservation

Mr. Paul Brandenburg, Indiana Historic SPANS Task Force

Ms. Kitty Henderson, Historic Bridge Foundation, Inc.

Mr. James Igoe and Mr. Dorr Fox, Preservation Massachusetts,

Prof. James Cooper

Attachment to Letter of November 9, 2010 from Friends of the Mitchell River Wooden
Drawbridge to Ms. Lucy Garliauskas, Mass. Div. Adm., FHWA

E-Mail of March 18, 2010 from Norman and
Carol Pacun of the Friends of the Mitchell
River Wooden Drawbridge to Ms. Lucy
Garliauskas, Mass. Div. Adm, FHWA

From: Norman and Carol Pacun
Friends of the Mitchell River Wooden Drawbridge
c/o 14 Sunset Lane, Chatham, MA 02633

To: Ms. Lucy Garliauskas, Massachusetts Division Administrator, FHWA
Mr. Michael Chong, Planning and Evaluation Section, Mass. Division, FHWA
Ms. Mary Ann Naber, Federal Preservation Officer, FHWA, Washington, D.C.
Re Mitchell River Bridge, Chatham, MA 02633

Mass DOT Project File No. 603690

Mass. Historical Commission #46959

The Mitchell River Bridge in Chatham is being replaced with federal and state funding from the Massachusetts Accelerated Bridge Program. This bridge is the last remaining single-leaf timber drawbridge in Massachusetts and we believe in the entire United States. This evening, the Massachusetts DOT will be holding a public hearing in Chatham as the first step in seeking approval to demolish and replace the existing bridge with a concrete and steel bridge. Two issues are disputed:

- Whether the design of the new bridge is compatible with the historic character of the area; and
- Whether the existing drawbridge is eligible for the National Register of Historic Places.

The Friends of the Mitchell River Wooden Drawbridge have long-standing concerns about protecting the character of this bridge and the surrounding area, and we request the opportunity to participate as consulting parties under Section 106 of the National Historic Preservation Act— 36 CFR 800.2(c)(5) and 800.3(f)(3). The Friends are an unincorporated association of Chatham citizens, property owners, taxpayers, and summer residents and visitors, many of whom live in the immediate area served by the existing bridge or are abutters thereto. They have had a historic association with the bridge during their own lives and that of their families. Many of the members own small boats that are moored in either Stage Harbor or the Mill Ponds and traverse the Mitchell River under the bridge with their craft. The Friends have also made two full submissions to the Massachusetts Historical Commission in support of having the bridge declared eligible for the National Register, and individual members of the Friends have spoken before the town Board of Selectmen and written to their local and state representatives on this matter.

The Massachusetts State Historic Preservation Officer (SHPO) has advised us that in the opinion of her staff, and subject to the receipt of further information, the Mitchell River Bridge does not appear to be eligible for the National Register under Criteria C or G.

However, we strongly disagree with this opinion, and we urge the FHWA to refer this issue to the Keeper of the National Register, for the following reasons:

c The Bridge is significant and retains substantial original materials

Even though the superstructure of the Bridge was rebuilt in 1980-81, the substructure of the Bridge

still consists of predominantly wooden pilings that were put in place between 1925-1929. The SHPO's statement that "many of the piles from the earlier structure were reportedly reused" grossly understates and glosses over the fact that the vast majority of the substructure is comprised of the wooden piles from the 1920's, which are still in place.

The SHPO was also under the mistaken assumption that the superstructure is the "character-defining feature" of the Bridge, and therefore, that rebuilding the superstructure in 1980 disqualifies the bridge from National Register eligibility. If this were the case, very few bridges in the United States would qualify for the National Register, because proper maintenance over the life of a bridge often requires replacement in kind for elements of the superstructure such as the deck, and highly visible elements, such as the roof on a covered bridge. But the most visible elements of a bridge are not necessarily the "character-defining" features, because engineering needs to be considered, not just aesthetics. We believe this raises national policy issues that should be resolved by the Keeper of the National Register. In any event, in the case of a drawbridge, it should be the substructure, rather than the superstructure, that is the character-defining feature, especially since the drawbridge (bascule) is often opened infrequently and the view of the bridge from the water is predominantly that of the substructure.

Finally, the site of the present Bridge is a quintessential New England seaside setting and essentially unchanged from what it was in 1858 when the original drawbridge was built. The bridge continues to be of the same pattern as that of the original timber drawbridge, which was constructed at this very site. As stated above, it is the last remaining single-leaf timber drawbridge in Massachusetts, and we believe in the entire United States.

c The Chatham Historical Commission unanimously supports the National Register eligibility of the bridge.

On March 16th, the Chatham Historical Commission unanimously approved the following resolutions:

- [T]he Chatham Historical Commission continues to support the application and appeal of the Friends of the Mitchell River Wooden Drawbridge to declare the Mitchell River Bridge eligible for the National Register; and
- [T]he Chatham Historical Commission reaffirms its position that the integrity of the historic streetscape of the Stage Harbor/Mill Pond/Mitchell River complex, including the Mitchell River Bridge, be maintained basically as it has existed since the 1800's; and
- [T]he Chatham Historical Commission continues to urge the Massachusetts [DOT] to go forward and design a wooden drawbridge to rebuild and replace the existing bridge.

This resolution confirms the position of the Commission that was originally reflected in a letter dated October 13, 2009 (attached). The views of the local Historical Commission should be given great weight in determining whether to treat the bridge as National Register eligible. In addition, the Historical Commission clearly believes that the current proposal for the design of the replacement bridge is incompatible with the historic character of the area. These views must be taken very seriously under the Section 106 regulations, 36 CFR 800.2(c)(3) and 800.5(a).

c Failure to resolve the disputed issue of eligibility now could result in substantial delays.

We are all aware of cases in which postponing the resolution of a dispute about National Register eligibility can come back to haunt the agency by throwing a major monkey-wrench into the process very late in the game, after all parties have invested a lot based on assumptions that prove to be wrong. The Cape Wind project is a painful and very current local example of this. The result is unfair to all parties, especially the public.

We urge you not to make the same mistake here, and instead, to resolve this National Register eligibility issue now, before further taxpayer dollars are invested based on assumptions regarding historic significance that may prove later on to be wrong.

THEREFORE, for the reasons set forth above, we respectfully request that the Federal Highway

Administration refer this matter to the Keeper of the National Register for a review and determination of eligibility of the Mitchell River Bridge for the National Register, pursuant to Section 106 of the Historic Preservation Act of 1966 and 36 CFR 800.

In addition, we reiterate our request to participate as Section 106 consulting parties under 36 CFR 800.2(c)(5) and 800.3(f)(3).

cc: Ms. Carol Legard, Advisory Council on Historic Preservation

Mass. DOT, Mr. M. Shoukry A. Elnahal, P.E.

Ms. Elizabeth Merritt, Deputy General Counsel, National Trust for Historic Preservation

Mr. Dorr Fox, Preservation Massachusetts

Mr. Donald Aikman, Chatham Historical Commission



CHATHAM HISTORICAL COMMISSION
Chatham, Massachusetts 02633

November 2, 2010

Board of Selectmen

Re: Mitchell River Bridge

Dear Board Members:

The Chatham Historical Commission, at its meeting of October 19th, 2010, unanimously appointed Donald Aikman to represent the Commission on all negotiations and other matters pertaining to the Mitchell River Bridge.

Sincerely,

A handwritten signature in cursive script that reads "Robert D. Oliver". The signature is written in dark ink and is positioned above the printed name.

Robert D. Oliver

Chairman

Chatham Historical Commission