

**MITIGATION MEETING MINUTES FOR THE MEMORIAL BRIDGE PROJECT**

**[Portsmouth-Kittery, A000(911), 13678F]**

**January 20, 2011 9:30-1:00**

**Location: NH Federal Highway Conference Room**

**Agency Representatives**

**NHDOT**

Bob Landry  
Jill Edelmann  
Joyce McKay  
Keith Cota  
Kevin Nyhan

**NHDHR**

Beth Muzzey  
Laura Black  
Linda Wilson  
Peter Michaud

**Maine DOT**

Mark Hasselman\*  
Gerry Audibert\*

**Maine SHPO**

Kirk Mohney\*\*

**FHWA**

Jamie Sikora

**Consulting Parties**

**Portsmouth Historical Society**

Richard Candee\*\*

**Albacore Park**

Ken Herrick

**National Trust for Historic Preservation**

Betsy Merritt\*\*  
Rebecca Williams\*\*

**Historic Bridge Foundation**

Kitty Henderson\*\*

\*Participation via video conference

\*\*Participation via phone conference

**Notes on Conference**

**I. Acceptance of the agenda: modifications? additions?**

The agenda was accepted without modification or addition.

**II. Comments on December's meeting minutes**

Laura Black indicated that NHDHR has comments on the December 17, 2010 minutes, however they would transmit them electronically to NHDOT following the meeting.

**III. Examine minor discrepancies between Maine and New Hampshire's effect determinations**

Mark Hasselman indicated that the US Route 1 bypass district under all three scenarios would be adversely affected because the district includes the Sarah Mildred Long (SML) Bridge. Joyce

McKay indicated that the project being discussed today was the replacement of the Memorial Bridge, and asked if the replacement of the Memorial Bridge would have an adverse effect on the Route 1 Bypass District. In light of this realization, M. Hasselman indicated that he would consult with J. McKay following the meeting to indicate the project effects on Maine resources from a Memorial Bridge perspective only. M. Hasselman indicated that he would discuss with Dave Gardner. This would apply to the other discrepancies in effects as well.

#### **IV. Discuss the proposed mitigation**

##### **NHDOT proposed mitigation measures**

*[NHDOT-1 (NHDHR-X)] = NHDOT proposed mitigation identifier/NHDHR mitigation stipulation and considerations]*

##### ***NHDOT-1 (NHDHR-A/D) Funding for downtown business promotion/heritage tourism/Public outreach***

Keith Cota indicated that the NHDOT Commissioner proposes to work this stipulation through organizations that already exist in Portsmouth and Kittery (i.e. chambers of commerce). Peter Michaud indicated that the Portsmouth Chamber of Commerce has a history of only advocating for its members, and efforts would need to be universal for all downtown Portsmouth businesses if a position in the chamber were to be created and/or augmented. K. Cota indicated that this position would be under the guidance and direction of the DOTs.

Beth Muzzey indicated that this stipulation was meant to be a broad/ inclusive coordination measure, including historical considerations (Strawberry Banke, historic museums, etc.). She wondered if there was an organization that complemented the Chamber with greater emphasis on the historical concerns of its members. Her emphasis here was close coordination with the historical community rather than the business orientation. P. Michaud indicated that every historic house in Portsmouth belongs to Portsmouth Historic House Associates and that organization should be included in any discussion. Other organizations that should be included in discussions of public outreach include “Pro Portsmouth,” and “Art Speak.” L. Wilson indicated that the Section 106 process includes a need to reach out to the community through consulting party provisions. Richard Candee asked where the individual responsible for the coordination would be based. He/she would need an office in the project vicinity. Bob Landry indicated that Dick Bates and Cathy Goodwin at the Portsmouth/York Chambers of Commerce would be ideal to be included, with extra controls to ensure that not only members are included. K. Cota wanted to make sure that the groups represented included a cross section from Kittery and Portsmouth as well. K. Cota indicated that the Department has not yet explored the public outreach with the chambers, but already have an established relationship through the Connection Study.

The specific requirements of this outreach position are not clear, and will not be until we have ideas and input from the stakeholders discussed today. B. Muzzey expressed concern, and indicated that the original NHDHR mitigation list included two items, that the NHDOT combined into one: construction related business/logistical public outreach, and an educational

product. These require two different skill sets, and the public education/outreach would extend beyond the construction phase in her mind. B. Muzzey indicated that the public outreach she envisioned included an actual deliverable that could relay a better understanding of the Memorial Bridge and why it was significant. J. McKay indicated that NHDOT was trying to provide a venue through which the communities could voice their vision of additional historical documentation and products that would be serve them. Balancing the historical perspective with concern for business stability is what the Main Street Program is set up to do. NHDOT would like the organization of stakeholders to identify the type of deliverable/documentary materials they would find most valuable. She suggested that the organizations noted above with others form a committee or partnership with which the position would coordinate. Other groups to be represented might include the Prescott Park Trustees and the Kittery-based Save our Bridges group.

K. Cota indicated that the position funded by the project would not have to do the actual documentary, just coordinate it. There are funds associated with the position to produce the material. J. McKay tried to identify the funding need for this effort. Additionally, someone suggested producing a newsletter to update participants.

***NHDOT-2 (NHDHR-E) Formal Determination of Eligibility for Portsmouth Downtown District***

NHDOT proposed to complete a Determination of Eligibility (DOE) for the Portsmouth Downtown District, not a National Register nomination. J. McKay indicated that NHDOT's understanding was that there was not support in City, or limited support in city, for a formal National Register nomination. R. Candee commented that the perception that Portsmouth is adverse to a National Register nomination is an old one, and does not necessarily reflect Portsmouth's opinion today. Outreach would be necessary to gauge what Portsmouth's thoughts about National Register listing would be today. B. Muzzey indicated that NHDHR could partner with NHDOT and have discussions with affected property owners/stakeholders. There is a perception that being listed in the National Register has limitations. However, B. Muzzey indicated it is a "carrot-only" program with tax incentives. If the property owners do not want a National Register nomination, NHDHR could understand just a formal DOE. R. Candee indicated that it would be important for NHDOT/NHDHR/City/other stakeholder to discuss the issue of a National Register nomination. B. Muzzey indicated that at this point, more survey might be repetitive. K. Cota suggested that NHDHR/NHDOT develop a memorandum of agreement/understanding (MOA/MOU) to provide a funding amount to NHDHR for that agency to take the lead in the nomination development. B. Muzzey asked that J. McKay forward the estimate for this work, and NHDHR would consider it.

***NHDOT-3 (ME Historical Commission request) Architectural Survey of Town of Kittery***

MEHC proposed an architectural survey of Kittery. NHDOT, wanting to link the Memorial Bridge work with the mitigation, suggested that the survey focus on properties around the ME approach to the bridge. The ME request would involve 3,000 properties, in NHDOT's estimate in talking with Kittery town assessor.

Kirk Mohney asked if Dave Gardiner had been contacted, and if he agreed with the NHDOT estimate. J. McKay stated that she had talked to him and needed further input. K. Mohney

stated that the bridge has national/state significance and is associated with the Town of Kittery as a resource. He felt that it would be more appropriate to mitigate the adverse effects to the Town of Kittery and not artificially draw an area close to the bridge, which would not fully acknowledge the impact to the town resources. He felt that the NHDOT estimate of \$466,000 to do this work is really high. He indicated that he would discuss the survey with D. Gardiner and that he would provide a more accurate cost to the NHDOT. It was stated that the funds would be provided to the MEDOT to oversee the work. Given that it is a web-based survey, it would be difficult for NHDOT to oversee the work.

***NHDOT-4 (NHDHR-H) Conservation/reinstallation of existing bridge plaques***

No discussion. Everyone was in agreement on this item as a carry over from the rehabilitation project.

***NHDOT-5 (NHDHR-I) Interpretive Panel in Prescott Park***

No discussion. Everyone was in agreement on this item as a carry over from the rehabilitation project. It was noted that the Portsmouth might want to explore other locations close to the bridge.

***NHDOT-6 (NHDHR-J) Modern dedication plaques on new bridge***

No discussion. Everyone was in agreement on this item. There should be plaques on both the Kittery portal and Portsmouth portal.

***NHDOT-7 (NHDHR-K) Vibratory monitoring of National Historic Landmarks (NHLs) during construction***

Monitoring would be completed for the buildings at either end of the bridge, including Warner House. If vibration levels reach critical thresholds, the construction methods would be adjusted accordingly. K. Mohny pointed out that NHDHR items 7, 8, 9, 11, & 12 are routine measures, and not items to offset the loss of the bridge. B. Muzzey indicated that NHSHPPO has similar feelings that items 7, 8, 9, 11, & 12 are requirements, not stipulations. She felt it was just a question of wording them clearly. J. McKay acknowledged these concerns and indicated that they are intended as requirements/stipulations in the MOA. L. Wilson indicated that another heading in the MOA could be used for these items. Jamie Sikora considered them to be appropriate mitigation measures.

***NHDOT-8 (NHDHR-L) Review of project design at 30%, 60%, 90% during final design***

B. Muzzey suggested referencing the Secretary of the Interior Standards and Guidelines in the design-build contracts. B. Muzzey indicated that the project to install fire suppression on the Contoocook Covered Bridge contained wording that might be used in the contract. K. Nyhan indicated that he believed the State Library had similar stipulations in its rehabilitation project.

B. Muzzey asked when the meetings would take place; at what milestones. B. Landry indicated that one should take place prior to the RFP (25%-30%), then after selection of the Design-Build team at 60% and 90%. R. Candee stated that meetings with the groups in the city handling public education/outreach would be good prior to the first public informational meeting. Betsy Merritt indicated that it would be good to clarify timeframes because the public information meeting would be a good venue for the involved parties to provide input. K. Cota stated that it is

important to have a meeting at the 60% design level at the latest since there would be few changes between 60% and 90%.

***NHDOT-9 (NHDHR-M) Archaeological investigations***

No discussion. Everyone was in agreement on this item as a carry over from the rehabilitation project. Someone indicated that this was already a federal requirement.

***NHDOT-10 (NHDHR-N) Historic Structures Report***

This report is done and has been distributed to 30 State and local repositories. L. Wilson indicated that at the previous meeting, there was discussion about conservation of existing photographs, slides, etc., for the creation of high quality master negatives. These could be used in other contexts and provided to the Library of Congress. J. McKay indicated that further discussion around this item is needed and could entail a fair amount of expense, and asked L. Wilson to refine her request. R. Candee indicated that the National Archive already owns the original photographs of the construction, and the Portsmouth Athenaeum has originals as well. L. Wilson would like to see documentation of what exists to secure it all together.

***NHDOT-11 (NHDHR-P) Marketing of the bridge***

Everyone was in agreement on this item as a Federal requirement. However, it is unlikely that reuse of the bridge is possible the way that FHWA would require its reuse.

***NHDOT-12 Public pedestrian transportation service to ease access in Portsmouth/Kittery during construction activities and closure of Memorial Bridge***

No discussion.

**NHDHR mitigation items not included by NHDOT**

Following the discussion of the items NHDOT proposed for mitigation, L. Wilson asked for clarification on the reasons the other mitigation items proposed by NHDHR were not included. J. McKay indicated that NHDOT did not commit to include every item on the NHDHR list. J. Sikora added that the NHDHR mitigation items that were not project-specific and that were more programmatic, were not carried forward. The thought was that the mitigation that relates directly to the bridge should be carried forward. This approach recognizes that this is a bi-state project.

***NHDHR-B/C Professional development opportunities for engineers/establishment of historic bridge engineer position at NHDOT***

L. Wilson indicated that professional development opportunities for the region's engineering community on historic bridges would not be expensive or difficult. A forum for discussion of historic bridges would be useful to engineers and preservationists alike, and is directly tied to Memorial Bridge and preparations for SML Bridge to develop a better understanding of treatment of historic bridges as a dwindling resource. In addition, establishment of a historic bridge engineer could just be re-titling an existing position. B. Merritt added that the National Trust is strongly in favor of the professional development opportunities, and that the lack of expertise with metal rehabilitation and maintenance could have contributed to the bridge condition. Kitty Henderson also expressed support for professional development opportunities, and the Historic Bridge Foundation could assist in putting together a workshop. K. Cota stated

that it is hard to correlate the adverse effects to Memorial Bridge to this mitigation element. L. Wilson indicated that she hopes SML Bridge would be rehabilitated. If we can learn to take better care of our assets, it means long-term economic conservation and sustainability. P. Michaud indicated that Memorial Bridge is nationally significant and spans two communities and two states. It is nationally significant and because of this it is a challenge to find suitable mitigation to address the loss of the bridge that goes beyond the two communities. This fact makes the affect more regional. K. Henderson asked that the group take a look at the mitigation plan for the Amelia Earhart Bridge. That project set aside \$500,000 in a grant program for buildings/workshops, etc. It was one of the largest mitigations on record, but appeased many people. She will send outlines for workshops on historic bridges to K. Nyhan. K. Cota asked for Maine's input.

B. Muzzey commented that this stipulation addresses one of the many "circles of communities" that will feel the loss of the Memorial Bridge. Professional development ideas were suggested to help address the "outer circles" that could feel the loss. B. Muzzey also asked the group for other suggestions of ideas that could reduce the loss to other "circles."

M. Hasselman indicated that the State of Maine is waiting on a new commissioner to get direction. L. Wilson suggested bringing training opportunities to ME and NH. K. Cota indicated that NHDOT has a good relationship with the consulting community and there may be an opportunity to work with the ACEC on training.

Relative to mitigation, B. Muzzey drew a parallel with the Aquatic Resource Mitigation Fund (ARM) in lieu fee program at NHDES, which is a programmatic approach to historic mitigation. Once local options for mitigation are exhausted, the ARM program expands the view to a watershed approach. R. Williams and B. Merritt also expressed support for professional development ideas.

#### ***NHDHR-F Web-based GIS database of NH historic properties***

Laura Black stated that this is an important element to many people. J. Sikora indicated that this is more of a program approach, and not as mitigation for this bridge. B. Muzzey questioned the mitigation approach of balancing the needs of ME and NH, since NH has more adverse effects, and that logically perhaps, more mitigation is warranted in NH than in ME. K. Cota indicated that funding is split between NH and ME. As a partner with ME, they need to be comfortable with mitigation and cost. B. Muzzey stated that they sought TE funding, but the Regional Planning Commissions have not supported funding this type of effort.

#### ***NHDHR-G Albacore Connector Road***

There was much discussion regarding the use of the Connector Road and whether the Memorial Bridge project has an impact on this NHL. The impact of the Connector Road on the Albacore, which is a NHL, is to its setting, the tie to the waterfront. This setting is part of the significance of the property. NHDOT feels that there is no effect on this site from the Memorial Bridge project, and therefore no mitigation required. B. Muzzey expressed confusion for having it listed in the Adverse Effect memo as an effect. Following the discussion, which included the original intent for the Connector Road, duration of its use, no Section 106 evaluation on the construction of the road, and its reference in the Connection Study, NHDOT/Ken Herrick/NHFHWA agreed

to develop a chronology of the construction/use of the connector road to determine if it is associated with Memorial Bridge or with SML Bridge. This information will be provided to Jamie Sikora so FHWA can determine effect. Once this is known, we will be able to determine if mitigation is necessary based on the effect of the Memorial Bridge project on the Albacore. In any event, NHDOT agreed to develop a concept level design to see if the road could be rerouted around the USS Albacore and restore its view to the waterfront.

B. Muzzey agreed to forward some language relating to the tracking of compliance through a yearly report.

## **V. Present the adverse effect memo**

After discussion, it was agreed that the effects memo should not list the possible mitigation. NHDHR indicated that they would submit comments on the first half of the memo.

## **VI. Next Steps: Draft MOA**

The next steps were discussed and are summarized below. The next meeting is scheduled for Thursday, February 17, 2011, tentatively 9:30-1:00. The goal of the next meeting is to execute the memorandum of effect and finalize the mitigation.

### ***Action Items:***

1. NHDOT will have an internal discussion regarding mitigation (Joyce/Jill/Kevin/Bob/Keith)
2. NHDOT, with input from Ken Herrick, will develop a chronology of the Albacore Connector Road for submittal to FHWA (Bob/Ken/Jamie).
3. Kitty will transmit recent historic workshop information to Kevin for transmittal to the group (Kitty/Kevin)
4. NHDHR will comment on the first half of the adverse effect memo so that it can be signed at/by the next meeting (Beth)
5. NHDHR will comment on the December meeting minutes (Beth)
6. NHDHR will provide to DOT boiler plate language on tracking compliance stipulations for the MOA (Beth)
7. NHDOT will work on the Adverse Effect memo (Joyce)
8. NHDOT will begin drafting MOA with input from Maine. DHR will provide input on sections as they are developed, as needed (Joyce/Gerry/Beth)
9. NHDOT will follow up on the impacts to Albacore Park to determine if he feels that there is a tie with Memorial Bridge (Jamie).
10. MESHPO will talk to MEDOT on the cost of the documentation of all properties in Kittery and will coordinate with NHDOT (Kirk/Dave/Joyce/Keith)
11. MESHPO will talk to MEDOT on the differences in the ME effects matrix, and will coordinate with NHDOT/NHDHR as appropriate (Kirk/Dave/Joyce/Beth)
12. NHDOT will talk to McFarland Johnson to determine where they are in development of the draft 4(f) evaluation and categorical exclusion (Kevin/Vicki)
13. NHDOT will forward NR nomination estimate/assumptions to NHDHR for review and determination on partnering/taking over (Joyce/Beth/Jill)
14. NHDOT will develop draft meeting minutes from today's meeting (Jill/Kevin)

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