

BUREAU OF ENVIRONMENT
CONFERENCE REPORT

DATE OF CONFERENCES: December 7 and 14, 2006

LOCATION OF CONFERENCES: J.O. Morton Building

ATTENDED BY: Dennis Danna; Bill Hauser; Cathy Goodmen, Nadine Peterson, Charles Hood, CR Willeke, Ram Maddali, Nancy Mayville, NHDOT; Jim Garvin, Linda Wilson, and Edna Feighner, NHDHR; Harry Kinter and Bill O'Donnell, FHWA; Rich Roach, Army Corps; Deb Loiselle, DES; Mike Chelminski, Woodlot; Cheri Patterson and Mike Dione, NH F&G; Eric Hutchins, NOAA; Jake Tinus and Nasser Yari, VHB; Dante Angelucci, City of Dover; Phil McDonald and Ben Dreyer, Underwood Engineering; Marty Bowers and Tony Puntin, Louis Berger; Tom Samyn, architect; Matt Waitkins and John Corigan, Nashua Regional Planning Commission; Patricia O'Neil and Tammie Lampes, Consulting Parties, City of Derry; Bill Gard, Danville Historical Society; Rob Pickney, Cluff Harbor; Albert Rex, Historian for Wal-Mart; Arlene Johns and Abby Rand, Hillsborough Citizens for Positive Growth; Christina Chadwick, Hillsborough Historical Society; Jennifer Zolon, Sec. of Ladies Aid, Union Chapel; Johanna Lyons, DRED; Peter Imse and Melissa Hanlon, Sullivan and Hollis; John Theriault, Ames; John W. Merchant, Granite Commercial Group; and James Petropulos, Hayner / Swanson.

SUBJECT: Monthly SHPO-FHWA-ACOE-NHDOT Cultural Resources Meeting

Thursday, December 7, 2006:

Merrimack Village Dam (#156.01), Merrimack. Participants: Deb Loiselle, DES; Eric Hutchins (NOAA) ; and Rich Roach (ACOE)

D. Loiselle stated the objectives of the meeting, which were to initiate discussions on the content of an MOA based on the recent determination of individually eligibility of the Merrimack Village Dam (MVD) and to provide an update the archaeological survey.

D. Loiselle provided a brief summary of what has transpired in the past several months relative to the historic resource surveys and determinations made specific to the proposed river restoration project. First, she noted that NHDHR had recently determined that the MVD was individually eligible for the National Register of Historic Places. She further expressed that everyone agreed this determination was a difficult one due to the lack of information on engineering and absence of a definitive inventory of NH dams that retained the same qualities. The determination was made based on the information contained in the Project Area Form, Individual Inventory Form, and follow-up information prepared by D. Loiselle and L. Monroe. The follow-up information was prepared based on a previous meeting with NHDHR representatives and Project Partners on September 7, 2006. Relative to the individual eligibility of the dam, D. Loiselle expressed that the Project Partners concurred with the NHDHR finding.

D. Loiselle noted that she contacted B. Muzzey the previous day to inquire about the status of the determination of the Small District, and was informed that the "green sheet" had not been

completed but that J. Garvin would be preparing it in the near future. She did, however, indicate that they had reviewed this at the November DOE meeting and determined it to be eligible for a Small District. It was noted that the following contributing resources comprised the Small District: dam, power canal, bridge, apron, gate structure, concrete forebay structure, impounded area, and adjacent retaining walls.

Based on the information provided and the presumption that the proposed project will have an adverse effect on the MVD, the Project Partners would like to engage in a collaborative discussion with NHDHR representatives specific to initiating discussion on the MOA. E. Hutchins noted that he was representing NOAA who was taking the lead role and representing the Lead Federal Agency for this project.

J. Garvin expressed his appreciation to D. Loiselle and E. Hutchins for meeting with NHDHR representatives to discuss this project. He extended his apologies on behalf of B. Muzzey due to the fact that she had mis-spoke on the issue of the “green sheet”. J. Garvin had in fact drafted a “green sheet” for the Small District and provided a copy to D. Loiselle and E. Hutchins. He recognized that this was the first time that we had seen this, and would allow us to review it at our convenience. E. Hutchins expressed his desire to review it at a later time; and thanked J. Garvin. J. Garvin did provide a summary of the contents. The basis for determining the Small District eligible was centered around its engineering significance and function as a water power site, rather than as an industry. Currently (and until we obtain additional information) there are only three dams in the state of NH that are comparable to the MVD. It is a unique structure relative to its engineering and rarity. He continued to discuss the Small District and reconfirmed that the “green sheet” was in draft form and would be finalized in the near future. He further noted that the training wall (aka retaining wall) and impoundment may not be contributing resources and would need to be further considered. In addition, they have not determined the boundaries or acreage associated with this determination. E. Feighner argued that the impoundment should not be included due to the fact that there was no aesthetic setting, thus she believed that this should not be a contributing element of the Small District.

The focus of the discussion was then centered on the initial preparation of the MOA for the proposed project. D. Loiselle noted that based on the fact that there were eligible resources within the project limits, and the removal of the dam would result in an adverse effect, the Section 106 Regulations note that you should avoid, minimize or mitigate the resource(s). She expressed that they had engaged in “avoidance” due to the fact that the dam owner (Pennichuck Water Works) had offered the ownership to the Town of Merrimack; of which they declined. Based on the discussions and conceptual design plans, avoidance and minimization would be ensued due to the fact that the proposed project does not intend any adverse impacts to any of the resources (other than the dam) that have been identified as a Small District. E. Feighner noted that every effort should be taken to minimize effects to the resources as was noted. J. Garvin inquired about the fish species of concern and how we knew that the dam prohibited them from migrating upstream. E. Hutchins explained the difficulty that the migratory fish have due to the presence of the dam. On several occasions, individuals have observed American eels and Atlantic salmon butting their heads against this dam. He further expressed that part of the principals associated with a dam removal are river restoration; it is not all about the fish.

D. Loiselle and E. Hutchins inquired about the specifics of the MOA. The participants engaged in a discussion on the potential contents of the MOA as follows:

- HAER (Historic American Engineering Record) recordation. Produce a narrative and photo documentation. J. Garvin noted that the narrative does not need to be lengthy or onerous, but should include a written description of concrete arch dams.

- Send the “draft” HAER Scope of Work to Beth Muzzey for review and approval.
- Some form of education and outreach can be substituted for an interpretative sign. This could include a document to be retained at public places (i.e. library, Town Hall, etc). This will be discussed amongst the Project Partners in the near future. This issue was discussed because at a previous public meeting a representative from the Merrimack Historic Commission expressed that she did not want another historic sign in town.
- If an interpretative sign is incorporated as part of the project, it should include a history of the cultural and natural resources and a description of the dam and it’s historical affiliations and a discussion of fish values and notation of the next upstream dam and how it relates to other dams.
- E. Hutchins will prepare the “draft” MOA in conjunction with the other Project Partners. Once completed, it will be forwarded to E. Feighner who will forward it to appropriate NHDHR personnel for review and comment.
- E. Hutchins will prepare and forward a letter to the Advisory Council on Historic Places (ACHP) to notify them of the project, determination of eligibility, adverse effects, development of MOA, and invitation to become a Consulting Party.

D. Loiselle provided a brief update on the archaeological surveys and noted that K. Wheeler and associates had been out in the field in early-mid November conducting the test pits along the upstream northern bank, upstream southern bank and the downstream southern bank as approved by E. Feighner. She was informed that testing had just been completed, and E. Feighner would continue to be kept informed as information became available. She also reminded E. Feighner of the upcoming December 13, 2006, Public Informational Meeting requested by the Merrimack Town Council.

Note: There was ample discussion on the issue of preparing a statewide inventory plan for NH dams, however, it was agreed that this was a topic for a future meeting. D. Loiselle noted that she was planning a meeting at the end of January to discuss this issue and related issues with representatives from NHDHR, and other state and federal agencies relative to dam removal projects and cultural resources.

Winnicut River Dam (#099.01), Greenland: Participants: Deb Loiselle, DES; Rich Roach, Army Corps. Mike Chelminski, Woodlot; and Cheri Patterson and Mike Dione, NH F&G.

D. Loiselle facilitated introductions amongst the participants. She then stated the objectives of the meeting which included the following: Update NHDHR on the chosen alternative, discuss potential impacts to historic resources and, if time allowed, to initiate discussions on the content of an MOA.

A Phase I Feasibility Study was completed in 2004, which included several alternatives for the Winnicut River Dam. As a result of the information gathered and input from public meetings, the proposed project alternative that has been selected is “Alternative C” which includes the removal of the Winnicut River Dam and construction of a technical fishpass under the NH Route 33 Bridge. There is a fish ladder attached to the dam, but it does not effectively pass fish and it is deteriorating. The removal of the dam and fish ladder, would provide passage passed head-of-tide to spawning and rearing habitat for rainbow smelt, river herring, and American eels. It will

be necessary to build a technical fishway under the bridge as water velocity will be too strong for fish to swim through the constriction.

C. Patterson and M. Chelminski provided background on the site and proposed project. C. Patterson noted that a dam has been in existence at this site sporadically since the 1660's, but the existing dam was constructed in 1957 for waterfowl habitat. The current fish ladder was constructed along with the dam, but the design has proven to be ineffective for the diadromous species present in NH. J. Garvin inquired if the bridge was scheduled to be replaced in the near future and the logistic of incorporating the dam removal with a bridge replacement. The existing NH Route 33 Bridge is not scheduled to be replaced in the near future. M. Chelminski noted that the current bridge was constructed after the dam and filled in a portion of the impoundment creating a constriction. D. Loiselle noted that the Project Partners have been, and will continue, coordinating with representatives from NHDOT. The bridge is currently not on a priority list and subsequently is not on the NHDOT 10-Year plan. C. Patterson expressed that NHF&G will be preparing an MOA between NHF&G and NHDOT relative to any future bridge work.

D. Loiselle noted that a Project Area Form was prepared for the proposed project and NHDHR has determined that the following structures are individually eligible for the National Register of Historic Places: Winnicut River Dam, fish ladder and impoundment. A Phase IA Archaeological Survey was also conducted as part of the Phase I Feasibility Study and determined that there were several areas that exemplified "low", "moderate" and "high" archaeological sensitivity. Now that an alternative has been selected, a determination of further survey for archaeological resources needs to be discussed. C. Patterson referred the attendees to the map prepared by PAL, which outlined these sensitive areas. C. Patterson and M. Chelminski described the potential temporary and permanent impacts to the historic resources. Once the dam is removed, it is perceived that the water will move at higher velocities under the NH Route 33 Bridge and where the dam currently resides. Thus, it will be necessary to protect the left downstream bank (river left) to prevent erosion. M. Chelminski indicated that the proposed method for stabilization has not yet been determined. C. Patterson indicated that the right bank (river right) between the dam and the bridge would most likely be the ingress/egress for the construction work. This access point is on property currently owned by NHF&G. It is anticipated that the removal of the dam will result in the impoundment being lowered by between 12-18 vertical inches, and that any potential disturbance to the impoundment is unlikely. It was also noted that there is 3-4 feet of organic matter that has collected in the impoundment over time.

E. Feighner noted the following relative to further archaeological survey:

- No further survey is required in the impoundment and surrounding area.
- Phase IB Archaeological Survey (test pitting) would be necessary in areas where ingress and egress would occur, and where the bank will be stabilized. Investigations will be performed on an 8-meter (25-ft) grid.
- Once the project partners secure the proposed Phase IB Archaeological Survey Scope-of-Work from the consultant, it should be forwarded to NHDHR for review and approval prior to any work being conducted. The Scope-of-Work should be forwarded directly to E. Feighner.

A brief discussion ensued on the development of an MOA based on the eligibility of the resources (dam, fish ladder and impoundment). The following was agreed to:

- Project partners can start developing a draft MOA, and once complete submit to NHDHR. E. Feighner will be the NHDHR contact and will distribute to the appropriate NHDHR personnel for review and comment.

- One of the stipulations in the MOA should include a visual archaeological assessment of the prominent point directly above the NH Route 33 bridge (river left) within the impoundment to see if any artifacts have become exposed. This should be done by a professional archaeological consultant following the first high flows (spring season) after the dam has been removed. Any exposed artifacts should be recovered and NHDHR notified.
- Archival photo-documentation (*note: E. Feighner will inquire to see if any written documentation will be required in addition to archival photo-documentation. She believes that the Project Area Form is complete and thorough enough to meet the documentation requirements, but she will verify*)
- Project partners were encouraged to discuss options in lieu of an historic interpretive sign for educational purposes.
- NHDHR does not have any concern with the removal of the fish ladder due to public safety concerns if it were to be left intact. They will not require that this remain for historic purposes.
- E. Hutchins will prepare and forward a letter to the Advisory Council on Historic Places (ACHP) to notify them of the project, determination of eligibility, adverse effects, development of MOA, and invitation to become a Consulting Party.

Troy Depot. Participants: Jim Garvin and Linda Wilson.

J. Garvin and L. Wilson reviewed the drawings and photographs submitted by the town's committee that oversees the rehabilitation of the Troy Depot. Although the TE funds granted for the building's rehabilitation are expended, the buildings need to follow the Secretary of the Interior's Standards. The exhibits illustrated the location of the access ramp to the main entrance of the building. J. Garvin and L. Wilson generally concurred with the design, but noted that the wainscoting behind the access ramp should not slant at the same angle as the ramp but remain horizontal. Additionally, the ramp should not butt against the clapboards but be constructed one or two inches away from the clapboards to provide for adequate circulation.

Dover 14561 (no federal #). Participants: Nasser Yari, NHDOT; Linda Greer and Jake Tinus, VHB (jtinus@vhb.com/644-0888-2543) and Dante Angelucci, Meredith and Grew.

A review of the Indian Brook Drive/Sixth Street Roadway Improvements project for cultural resources was initially requested by Edna Feighner via telephone message to Jake Tinus at VHB. Edna explained that review of the project was necessary at NHDOT because of their role in the project and because of known archaeological sensitivity in the area of the proposed project uncovered during an assessment performed for the NHDOT Park and Ride site.

Linda Greer (project engineer) explained that the main purpose of the project was to accommodate anticipated increased traffic volumes due to the nearby Liberty Mutual expansion, NHDOT Park and Ride facility, and other growth along Indian Brook Drive and nearby areas.

By referring to a 200-scale plan posted on the wall, Linda Greer explained the existing conditions presently found along the roadway corridor as follows:

- Existing project corridor consists of a primarily two-lane roadway extending from the Spaulding Turnpike exit ramps westward along Indian Drive and Members Way to Sixth Street and Liberty Way.
- Members Way currently allows access to a credit union, with additional development proposed adjacent to it (not part of this project).
- NHDOT Park and Ride facility is located south of Indian Brook Drive at Sixth Street.
- A sidewalk is currently located east of Sixth Street to the north of Indian Brook Drive.
- Storm water runoff is handled by a series of catch basins, underdrains, grassy shoulders that direct flow toward extensive wetland areas along the roadways. Cross pipes carry drainage from wetlands to the south of Indian Brook Drive to wetlands located north of the roadway.
- Areas adjacent to the roadway include wetlands, overgrown fields, forested areas, and previously disturbed roadway shoulders and fill slopes.

Linda Greer described the proposed conditions for the project corridor:

- All proposed work would be located within existing NHDOT and City of Dover rights-of-way.
- Proposed work includes widening to accommodate additional turning lanes on Indian Brook Drive, Sixth Street, and the proposed NHDOT Park and Ride.
- Southbound off and on ramps are to be moved approximately 200 feet to the south and widened to improve safety and accommodate additional anticipated traffic volumes.
- New sidewalk is proposed to the north of Indian Brook Drive, extending from Members Way to Sixth Street.

Jake Tinus reiterated some of L. Greer's points and added the following:

- Proposed improvements shown on the plan were designed to avoid impacting wetland resources, which are found along much of the roadway extending to the toe-of-slope or formed in response to directed storm water.
- Extensive areas of fill were placed during prior roadway construction activities along Indian Brook Drive and Sixth Street. Construction of Indian Brook Drive appears to have segmented a large wetland area.
- Importantly, all improvements to Sixth Street are proposed along the existing southern edge of the roadway to entirely avoid impacts to a wetland located to the northwest of the Indian Brook Drive and Sixth Street intersection that provides habitat (according to NHHB) for a rare plant species (Pale Green Orchid).
- No obvious aboveground historical resources were observed during previous field investigations.

The following comments/questions and answers were expressed/supplied by the following individuals.

1.) Bill O'Donnell requested additional explanation of the work proposed at the Spaulding Turnpike ramps.

Linda Greer explained that the ramps are being moved and straightened because traffic presently backs up along Indian Brook Drive. The cueing problem is also complicated by last minute lane changes by vehicles trying to enter the southbound on-ramp. Linda explained that pole-mounted signage would be added to direct drivers into the appropriate lanes for either traveling straight or turning onto the turnpike from both directions.

Bill indicated that he believed that construction of the ramps and bridge required extensive fill in the area when the roadway was originally constructed by NHDOT.

2.) Edna Feighner suggested reviewing the original NHDOT drawings to ascertain the extent of fill in the area of the Spaulding Turnpike ramps. Edna indicated that she is concerned that there may be intact soil layers exposed by the construction activities along this portion of the roadway corridor. Because she could not directly assess the amount of fill along the road shoulder, E. Feighner requested that a Phase IA Assessment be performed, including punch and auger tests along the entire project corridor, with particular emphasis in the turnpike ramp area and at the intersection with Sixth Street. The soil coring is intended to verify the existence of fill for the depth of the project.

Jake Tinus reiterated that all of the proposed work will occur within the existing ROW, in areas that are largely disturbed by prior construction activities. This is evidenced by the photographs, which show the location of the fill slopes. J. Tinus also indicated that fill materials were observed along most of the project corridor during the course of wetlands investigations. He asked that since the fill materials seem to be extensive, wouldn't any cultural evidence have been largely mixed up and buried under the roadway and/or alongside it?

3.) Edna Feighner indicated that while it might be true that there was disturbance along the roadway, it is still possible that an intact layer is buried under the fill along the roadways and that this is what she is interested in.

Jake Tinus indicated that he would inform the VHB project manager that a Phase IA assessment was being requested by NHDHR.

4.) Rich Roach asked why counsel representing Liberty Mutual was present at the meeting.

Dante Angelucci introduced himself and indicated that he was representing the interests of Liberty Mutual. Liberty is funding a sizeable portion of the roadway improvements. These improvements were requested by the City of Dover during the Liberty site development review process. Liberty is working with the City and NHDOT to ensure that this project proceeds in a timely fashion since the City is anticipating putting the project out to bid in January 2007.

5.) Linda Wilson asked whether there were any historic resources located along the project corridor.

Joyce McKay indicated that NHDOT had studied the Park and Ride site and had located a cellar hole and various artifacts. She said that the rest of the corridor appears to be clear, *i.e.* no aboveground features were noted during inspection of the area.

Additional discussion occurred regarding the historic resources found along Glenwood Avenue and further east along Sixth Street. Jake Tinus indicated that a review of the existing NHDOT files indicated that these historic resources were found well outside of any of the work proposed by the project.

6.) Edna Feighner reiterated that she is requesting further study to be sure that archaeological evidence isn't more extensive than found during previous studies.

Jake Tinus indicated that he would have the VHB cultural resources staff persons look into providing the requested assessment.

Newmarket, STP-TE-X000S(416), 13499. Participants: Ben Dreyer (Ben.Dreyer@underwoodeng.com/436-6192) and Philip MacDonald, Underwood Engineers, Julie Glover, Town of Newmarket, Project Coordinator; and Ram Maddali.

1.0 Review of Notes (prior cultural resources meeting minutes – 4/6/06)

In review of the previous Cultural Resources Meeting Minutes, Philip MacDonald noted that the scope of work is generally the same except as provided below:

- The sewer improvements have been expanded from 700 LF to 1000 LF to include a cross-country section.
- A summary of previous Town meetings and public involvement was noted.
- The plans are at 90% design and will undergo final edits pending NHDES, NHDOT, and any remaining Town review comments.
- The Town would like to bid the project this winter and begin construction in the spring of 2007.

2.0 Information Submitted/Discussion

➤ Environmental Review Documentation

- An Environmental Report addressing potential impacts to Section 4(f) properties was completed and submitted to Kevin Nyhan of NHDOT for review.
- An explanation was given concerning box #7 on the checklist and its relation to requirements for Section 4(f).
- The Cultural Resources Memorandum of Effect and environmental commitments are included. There is No Adverse Effect in this historic district.
- An easement request has been granted for underground utility and sidewalk work in front of the US post office. However the post office is identified as an “intrusive non conforming structure...” which favors the de minimus impact decision.
- Driveway alignment improvements are proposed on the Willey House Apartment property. A temporary agreement to enter and construct the driveway will be secured before this work proceeds. No land taking or acquisition is required.

- Underground utility work is proposed on private properties through out the project area and similar temporary agreements with property owners will be obtained.
- A de minimis impact finding is requested in order to qualify for a Categorical Exclusion (*A section 4f was included but may not be necessary pending a de minimis finding*). Upon confirmation of this decision, the Section 4(f) requirement will not be necessary. A programmatic categorical exclusion would be prepared.
- Archaeological Report
 - A phase IA archaeological report has been submitted for review.

3.0 Questions and Comments

Q: What is the anticipated cost of underground utility improvements unrelated to TE funding?

A: The conduit alone is expected to be \$1.3 Mil. The total utility construction cost is expected to be over \$3 Mil.

C: It appears the de minimus impact decision is appropriate for this project.

C: The plans should include a typical detail for expansion joints for sidewalk abutting Historic buildings or properties to avoid physical impacts to foundations.

C: Exposed aggregate concrete is proposed to contrast with brick buildings. Concrete is preferred by some because of its durability.

C: Discussion was held on the modular paving units at cross walks. The details for the material construction of these cross walks were unclear. Phil MacDonald clarified that they are a concrete modular unit, not a bituminous molded structure. The intent of the crosswalks is to emphasize the Downtown area especially the bandstand.

C: A new memorandum of effect will be issued to accommodate the de minimus impact decision language. Joyce McKay will provide the new document. UEI will fill out and return for signatures.

Q: What are the large areas of modular block pavers that are not cross walks?

A: These are proposed as a tabletop crosswalk areas to define and identify the water front area.

Q: Are the modular block pavers intended for traffic calming effects?

A: Any traffic calming effects are visual not physical (i.e. result of a rough surface – like cobble stone). The surface will be smooth to accommodate snow removal. Granite edging will be provided so pavement will abut the crosswalks flush with the road grade.

Controlled Access. Participants: Bill O'Donnell, Harry Kinter, and Nancy Mayville.

Bill O'Donnell requested a discussion about FHWA's authority in issues of controlled access. H. Kinter explained that any project in which FHWA invested funds to purchase control of access or to limit access and a change in that access, FHWA requires notification. Only when the subject roadway is part of the National Highway System, for example along the Interstate, does FHWA have a direct approval.

Portsmouth, BHF-X-T-0101(015), 13678. Participant: Nancy Mayville

J. McKay discussed the need for and type of historical marker that would commemorate the Memorial Bridge. H. Kinter and J. Garvin requested at least some interpretive marker provide basic information on the bridge's history and its designer and noted the modified in-kind replacement of the lift span. However, they requested that NHDOT coordinate this effort with the Portsmouth Historical Society. [J. McKay subsequently contact Richard Candee of the Historical Society. R. Candee requested that NHDOT contact the deputy city manager who is overseeing the replacement of 40 of the city's historical markers, originally prepared by Jim Garvin. The city has chosen a marker type and is providing the cost of the marker. The text can be prepared by Preservation Company then reviewed by J. Garvin at NHDHR.] Additionally, copies of the final historic structures report will be provide to the public library and the Portsmouth Atheneum.

Belmont, X-A000(340), 14400. Participants: Marty Bowers and Tony Puntin, Louis Berger Group, Inc. (mbowers@louisberger.com).

Tony Puntin presented an overview of the Phase I portion of the Winnisquam Scenic Trail project, highlighting the intention to utilize existing roadway and sewer line easement for nearly all of Phase I. Phase I will begin at the intersection of Route 3 and Dutile Shore Road in Belmont and follow the east side of Lake Winnisquam to the Belmont-Laconia line.

At the south end, the trail will make use of Dutile Shore Road, with no improvements other than erection of signage to mark the beginning of the trail. Thereafter, the trail will be built on the east side of the former Boston, Concord and Montreal Railroad line, which today is intermittently active for tourism purposes. A sewer line constructed in the 1980s follows the east side of the rail line; in some locations the sewer easement is separated from the rail line by a concrete retaining wall. Apart from the rail line (originally built in the 1840s) there are no historic period buildings, structures, or other resources along the proposed trail segment north of Dutile Shore Road.

At the north end, Phase I of the trail will depart from the railroad/sewer line easement to follow Beach Road, a gated, gravel-surfaced road, and then extend "cross-country" through a now-wooded area for approximately 300 feet to Route 3.

Harry Kinter and Joyce McKay noted that this wooded area was included in NHDOT's cultural resources studies for the Route 3 Laconia Bypass, and that those studies concluded the area had high potential for prehistoric archaeological resources. J. McKay also noted that the Route 3 surveys were done some time ago and therefore may not be up to current standards.

The general consensus was that a Phase IA literature search and some targeted field investigation would be necessary in order to determine the potential of the project to affect significant archaeological resources.

Follow-up Note: By e-mail dated 19 December 2006 from Edna Feighner (unable to attend the 07 December meeting) and Joyce McKay, Marty Bowers received confirmation that a Phase IA literature search plus walkover with significant coring to distinguish disturbed soils from those still intact, should be undertaken as part of the permitting process for Phase I of the Lake Winnisquam Scenic Trail.

Lebanon 14566 (no federal #): Participant: Cathy Goodmen, Steve Liakos, and Mark Richardson.

Bridge Maintenance is currently undertaking the rehabilitation of railroad bridge #060/122 over the Connecticut River (part of the Northern Railroad to White River Junction), which is a four span, plate girder structure. Work elements include rehabilitation of deteriorated steel members, spot painting, replacement of rotting and missing deck timbers, cleaning and replacing track ballast and tracks, pointing the substructure, waterproofing the deck, repair of lower lateral bracing, and installation of drainage. The exact connection details have not been determined. Although the bridge is part of the eligible Northern Railroad line, it was agreed that there was no adverse effect since the replacement will be in-kind.

Conway, F-027-2(32), 11339. Participant: Joyce McKay.

J. McKay provided some digital images of the Burtis property. She noted that the slope along Route 16 had been cut away, exposing roots and weakening the trees. A number had already fallen on the building, and one had landed on the roof. The roof has been repaired, and the trees affected by the soil removal were also removed. It was noted that although the trees provided an important part of the setting, their removal was essential to maintaining the dwelling.

Plymouth, X-000(356), 14416. Participant: Tom Samyn, architect.

T. Samyn stated that the design of the second floor adaptation of the railroad station was 90% complete. The adaptive reuse of the building is being completed under a TE project to create a Senior Citizen's Center. H. Kinter noted that the removal of part of the ceiling to allow for the utilization of the second floor would not create a 4(f). It was not a property taking. NHDHR had requested that the city take large format photographs of the existing conditions prior to its removal. T. Samyn indicated that this ceiling form had already been documented elsewhere in the building and stated that as much of the removed material as possible would be reused to raise the ceiling. This project will expose the original trusses, which are an important component of the building. J. Garvin agreed that large format photographs would not be required, and he offered to document the ceiling with 35 mm black and white images. He requested to be notified prior to the ceiling's removal.

Wilton, X-A000(107), 13906. Participant: Matt Waitkins, Nashua Regional Planning Commission.

Matt Waitkins explained that the footprint of the project had not changed since the June presentation. The project extends from Main Street near the Wilton Fire Department and proceeds northwesterly along Main Street, ending near the entrance to the Wilton Police Department parking lot at the intersection of Main Street, Burns Road, and NH Route 31. M. Waitkins noted that the Main Street bridge is a historic stone arch bridge and that there are adjacent historic buildings. In the past, chambers that communicated with adjacent buildings were located under the sidewalk. All but one has been filled. The intent is to maintain the chamber during the rebuilding of the sidewalk. L. Wilson noted that the design should include

details for the seal between the buildings and the sidewalk. It was agreed that the project had no adverse effect and no 4(f).

Portsmouth, STP-TE-5379(023), 12683: Participants: Charles Hood and Joyce Mckay.

C. Hood presented a bicycle route project from downtown Portsmouth to the bridge into Pease International Trade Port. The project will occur completely within the right-of-way. The project begins in the downtown at Hanover Street, travels along it to Maplewood and Woodbury, and ends on Rockingham at the Trade Port. The project will up grade sidewalks, install handicap curb ramps, fill in missing curb, re-stripe crosswalks, stripe the median island, stripe the bike lane, and install directional signs. A majority of the signs will be placed on existing posts or poles. There will be no work in front of the cemetery. The existing drainage will not be altered. J. Garvin requested a review of the signs by NHDHR for those that do not go on existing posts. It was agreed that the project would have no adverse effect contingent on sign placement and no 4(f) impacts.

December 14, 2006

Haverhill Bridge (maintenance). Participants: Dave Powelson, Doug Gossling, and Ed Welch.

Dave Powelson explained that Bridge Maintenance was involved in a project on the NH Route 10 Bridge over Oliverian Brook (067/144). The bridge is a concrete arch built in 1937 and acquired a score of 14 points. Because rebar is exposed through spalling concrete, Bridge Maintenance is repairing the affected corners. Maintenance would like to widen the bridge by removing the sidewalk and replacing the historic rail. It was asked whether an AASHTO compliant rail was acceptable. J. Garvin requested that they consider replacing the rail with AASHTO compliant concrete spindles, which are cast off-site. The bridge is a significant landmark on the highway, and the concrete rail is a character-defining feature of the bridge. There are several extant examples where this was done, for instance in Exeter and Newport. Maintenance prefers a solid barrier pattern with shallow elements and will look into the required forms to determine the cost differential.

Pinkhams Grant, X-A000(437), 14564. Participant: Kevin Nyhan.

The project constructs a pedestrian footbridge over the Ellis River in Pinkham's Notch adjacent to NH Route 16 bridge #065/073 to provide improved access to the White Mountain National Forest. Because the area adjacent to the bridge is very likely disturbed by the bridge's construction, it is not archaeologically sensitive. Therefore, no historic properties will be affected.

Derry, MGS-STP-X-5119(007), 13249. Participants: Charles Hood, Alex Vogt, and Mike Dugas and consulting parties: Patricia O'Neil and Tammie Lampes.

Alex Vogt explained that the hearing design significantly affected the parking along NH Route 28 south of NH Route 102 and required impacts to the front of the adjacent properties along the west side of the street. Following the hearing, NHDOT reanalyzed project costs and looked at two additional alternatives that would avoid the need to acquire property within the historic district. Both would retain the edge of pavement along the frontage of the historic district, widening the roadway as needed to the east. The first alternative would accommodate the widening by acquiring the Central Commons building, a 10-unit office condominium, in total and relocating the occupants. The estimated right of way cost for this alternative is \$2.6 million (including the Mesiti property acquisition). The second alternative would impact only the western half of the Central Commons building, thus reducing the acquisition and relocation costs, but necessitating modifications to the building. The estimated right of way cost for this alternative (including the Mesiti property acquisition) is \$1.8 million. With the high cost for these alternatives, Preliminary Design was asked to look at a third option.

The Preliminary Design Section has modified the public hearing layout to avoid the impacts to the historic district and the Central Commons building, while providing a similar intersection improvement. The resulting layout would still curve Birch Street to align with Crystal Avenue, but rather than utilizing a long gradual median taper to create the width for the northbound left turn lane, the left turn lane would be created by taking advantage of the curvature of the road beginning at Central Commons northerly to the intersection. The edge of pavement along the west side of Birch Street would be held and parking would not be impacted along Birch Street. The modified layout would provide left turn storage of approximately 30 m (4 vehicles); the hearing layout provided approximately 40 m of left turn storage (5 vehicles), plus a long painted median that could store additional queued vehicles. Impacts to the Mesiti property, and to some existing on-street parking adjacent to the intersection (removed to provide WB-50 turning paths) would be similar to the hearing layout. Modifications are also being considered to Broadway east of NH 28 and to Crystal Avenue to reduce impacts to private property and on-street parking.

New sidewalks would be added and the amenities including lighting and the requested paving that had originally distinguished the project would be maintained except for the plantings. Impacts were also reduced on the other legs of the intersection. There are very limited takings from the eligible church property on the northwest corner. Additionally, the project adds about 20 parking spaces in the southeast leg of the intersection. After the redesign, the NHDOT met with the town selectmen and public works director. Although these individuals were satisfied with the new design, the meeting was not open to the public.

H. Kinter indicated that the new design was a context sensitive solution and found that the project had no adverse effect on the adjacent historic properties. An effect memo with a de minimis 4(f) exception can be signed. The consulting parties were in agreement and appreciated the redesign effort.

Danville Stage Stop. Participants: Bill Gard (642-8990/957-1074).

The Town of Danville represented by Bill Gard at this meeting has proposed to the state the relocation of the Webster Stage Coach Stop at the intersection of Route 111A and Sandown Road. The building sits only several feet from the paved way. The cost of the relocation is about

\$25,000. It was noted that if NHDOT did this, it intended to improve the shoulder. J. McKay noted that there was a full cellar with a dirt floor under the building. She recommended moving the top foundation stones to the new site across the road, and leaving and filling the remainder of the rubble foundation. This approach would leave any archaeological deposits under the floor of the cellar intact. It was recognized, however, that improvement of the shoulder that is several to six feet in width would affect the site of the former stable, which, it is believed, was moved to Old Sturbridge Village. J. Garvin indicated that he would contact David Ottinger who may have been instrumental in moving the building to recover information about its dimensions. Edna Feighner requested that mapping and an archaeological site form be completed for the site. The stable area should be monitored during construction, and deposits associated with the stable found during construction recovered. It is possible that these remains go under the road. E. Feighner offered the services of NHDHR Tonya Kresky for the site monitoring. Information from the monitoring would also be placed on the site form.

New London X-A000(355), 14415. Participant: Robert Pinckney, Clough Harbour & Associates LL (rpinkney@cha-llp.com, 603-354-7998).

On Thursday, December 14, 2006, Rob Pinckney of Clough Harbour & Associates LLP (CHA) attended the Cultural Resources Meeting in the Commissioner's Conference Room of the New Hampshire Department of Transportation to review Project #14415 in the Town of New London at the intersections of Newport Road and County Road. The proposed project improvements include sidewalks, crosswalks and a single lane roundabout.

CHA distributed a color plan illustrating the proposed project improvements and several color photographs showing the existing condition of the project area. A brief project history and summary were given. CHA discussed the alternative designs that were considered and ultimately not selected for the project, including a signalized intersection and no build option. The project will have Right of Way impact in the form of permanent sidewalk easements but there will not be any takings. The level of service for the intersection will be improved to A, cutting down on delay and congestion. Intersections are graded on Level of Service from A to F, with A being the best and F being a failed intersection. Therefore, the roundabout option provides a Level of Service A. Pedestrian mobility and safety will be improved with the addition of sidewalks and crosswalks.

Several meeting attendees immediately voiced their approval of the project. Further discussion revealed that there would be no historic properties affect by the project. No such properties are in the vicinity of the project.

A discussion of the proposed project funding was conducted. CHA stated the project is currently projected as a TE Project and being funded 80/20. Mr. Kinter was surprised that a project of this scope was being considered as TE with 80/20 funding, considering the inclusion of a roundabout. He was interested in confirming that information. CHA referred him to Ram Maddali for further information.

Hillsborough Wal-Mart: Hillsborough Site. Participants: Albert Rex (asrex@mac.com), Historian for Wal-Mart; Arlene Johns and Abby Rand, Hillsborough Citizens for Positive Growth; Christina Chadwick, Hillsborough Historical Society; Jennifer Zolon, Sec. of Ladies Aid, Union Chapel; Johanna Lyons, DRED; Peter Imse and Melissa Hanlon, Sullivan and Hollis; John Theriault, Ames; John W. Merchant, Granite Commercial Group; and James Petropulos, Hayner / Swanson.

Richard Roach led the discussion about the proposed improvements. He noted that Section 106 might be involved because of the need for Wal-Mart to fulfill the Federal 404 Clean Water Act under jurisdiction of the Army Corps. It would depend on the need to issue a permit triggered by the project's involvement of waters of the United States. If invoked, Section 106 would require the project proponent to identify and evaluate cultural resources in the area of impact and to avoid, minimize, and mitigate such impacts. He noted the existence of and the need to coordinate with the several interested/consulting parties to the project. R. Roach was attending the meeting to see what was involved, identify the historic resources, and look at the effects of the project on them.

J. Petropulos provided an overview of the extent of the project and the road and street reconfiguration triggered by the construction of the new Wal-Mart. The building sits on a 16-acre site with an annex of one acre for parking across Main Street from the building site. This area occupied by Wal-Mart had been partially used for staging during the construction of the Hillsborough By-pass. He noted the locations of the wetlands, both man-made and naturally existing. He explained that Wal-Mart had purchased a 20-acre easement to protect wetlands. J. Petropulos also summarized the transportation improvements required by the project at the West Main Street and 202 intersection, West Main Street and Route 9 intersection, and the Routes 31 and 9 intersection.

Albert Rex reviewed the historical resources surveyed in the area of potential effect surrounding the Wal-Mart project. Areas of historical resources defined by the survey included the Hillsborough Lower Village and a separate area at Pierce Lake. The significance of the Franklin Pierce Homestead and adjacent properties as well as the Second New Hampshire Turnpike was also noted.

Potential impacts and some mitigation measures were discussed. At Routes 9 and 31, the original design for widening the intersection has been reduced so that direct impacts are minimal. However, it was noted that changes in traffic patterns would affect the Lower District. Interested/consulting parties were concerned about the impact of increased levels of traffic on West Main Street, the increased level of lighting that would be produced by the Wal-Mart store, increased levels of noise adjacent to historic properties, particularly near the Franklin Pierce Homestead, and the level of future development that will be attracted to the general area of the Homestead and the Lower Village.

Peter Imse noted that Wal-Mart does not have any control over future development, in particular. He wondered when the discussion would move forward to mitigation. R. Roach and Linda Wilson indicated that this meeting was intended to review the level of impacts.

L. Wilson summarized the cultural resource review process that needed to be completed. 1. The identification of resources is completed. 2. Evaluation of the significance of those resources is nearly completed. District area boundary lines need to be adjusted. 3. Currently, NHDHR and

the Army Corps were considering the effects of the project on the identified historical resources. Those effects include direct impacts from roadway improvements and increased levels of traffic, noise, lighting, and development. 4. Finally, after these effects were clearly established, mitigation for these impacts would undergo discussion at a later meeting. She noted that Rich Roach was in charge of these discussions. This cultural resources review is taking place late in the Wal-Mart planning process because historical identification did not start in concert with project planning.

Linda Wilson noted the need to maintain the setting, feeling, and association of the Lower Village, especially as any future development goes forward. The historic qualities of the Franklin Pierce Homestead, which is really a contiguous district with the Lower Village, would need to be maintained and enhanced. Mitigation would need to reduce the impacts of increased traffic, noise, light, and development as well as the direct impacts by road widening. The current zoning laws have left the historic areas vulnerable to these impacts. One consideration for mitigation would be easements that reduced these impacts.

Rich Roach indicated that he had not decided the type of permit needed. 404 permits will include Section 106 issues. In that case, he would need to condition the permit. The next meeting was scheduled for Feb. 2 and would occur in Hillsborough.

Programmatic Agreement. Participants: Bill Hauser, Dennis Danna, and Nadine Peterson.

Bill Hauser opened the discussion noting that AASHTO's Center for Environmental Excellence has recently put together a website on programmatic agreements containing examples completed by selected state DOT's. Because of the current and future turnover in personnel at various agencies and a desire to streamline the process, he thought it was appropriate to consider codifying the process used for the review of cultural resources through execution of a programmatic agreement. It was also noted that the existing MOU between FHWA, NHDHR, and NHDOT might not have the same legal standing as a programmatic agreement.

Nadine Peterson distributed a packet, which breaks into sections and summarizes three programmatic agreements from Maine, Pennsylvania, and Maryland and indicates the different approaches to each part of the review process. The packet also includes copies of the three programmatic agreements. She noted that the Maine PA seemed closest to the one that the NHDOT might follow, but that the PA would need to be tailored to the state's resources and cultural review processes.

L. Wilson responded that such a programmatic agreement might also help guide the districts through the cultural resources review of projects. She expressed the desire of NHDHR to continue conducting the determinations of eligibility as it has in the past. It was agreed that follow-up discussions would occur to help facilitate the process.

****Memos:** Portsmouth-Kittery, BHF-X-T-0101(015), 13678; Newmarket, STP-TE-X000S(416), 13499; Pinkhams Grant, X-A000(437), 14564; Merrimack 12105; Sanbornton 14443; Wicwas Dam Outlet, Meredith; Plymouth, X-000(356), 14416; Wilton, X-A000(107), 13906; Walpole 14540U.

Submitted by Joyce McKay, Cultural Resources Manager