

MEETING MINUTES

DATE OF MEETING: October 3, 2018

ATTENDEES: Cheryl Martin, FHWA
Patty Williams, Topsham
Donna Neff, Brunswick
Ryan Barnes, Town of Brunswick
John Graham, Friends of the Frank J. Wood Bridge
Gary Smart, Topsham
Doug Bennett, Topsham
Ryan Leighton, Town of Brunswick
Scott Hanson, Friends
J. Phinney White, Topsham, Friends
William Morin, Friends
Steven Stern, Friends
David Gardner, MaineDOT
Amanda Taylor, Kleinfelder
Ric Quesada, Bowdoin Mill
Bruce Van Note, Topsham
Chick Carroll, Friends
John Adden, London
Ann Carroll, Friends
Michael Cole, MaineDOT
Arlene Morris, Friends
Darin Bryant, TYLIN
Kristen Chamberlain, MaineDOT
John Shattuck, Town of Topsham
Alison Harris, Brunswick
Derek Scrapchansky, Town of Topsham
Chris Quattrucii, Times-Record
Bill Pulver, MaineDOT
Kate Willis, Kleinfelder

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Julie Senk, MaineDOT
Betty Hanks Leonard, Friends
Sharon Vaughn-Fair, FHWA (phone)
David Clarke, FHWA (phone)
Sarah Stokely, ACHP (phone)
Jaime Loichinger, ACHP (phone)
Mandy Ranslow, ACHP (phone)
Betsy Merritt, NTHP (phone)
Nathan Holth, historicbridges.org (phone)
Kitty Henderson, Historic Bridge Foundation (phone)
Rich Crawford, MaineDOT (phone)
RECORDED BY: Amanda Taylor, Kleinfelder
SUBJECT: Frank J. Wood Bridge Project Section 106 Consulting Parties Meeting, Mitigation Measures

Cheryl Martin, Federal Highway Administration (FHWA) Maine Division, began with introductions and asked that all in attendance introduce themselves and their affiliations. After introductions, Ms. Martin stated that during the June 27, 2018 consulting parties meeting to discuss ideas for mitigation measures for adverse effects to historic properties from Preferred Alternative 2 – Replacement Bridge on Upstream Alignment, many attendees voiced concern that it was premature to discuss mitigation measures. FHWA and MaineDOT have supplied comments to those concerns. This meeting is to review the draft Memorandum of Agreement (MOA) for adverse effects to historic properties for Preferred Alternative 2. The draft MOA is based on comments from consulting parties, Environmental Assessment comments, Maine State Historic Preservation Office (SHPO), and mitigation measures from similar projects in Maine. She asked for questions before continuing.

Ms. Martin continued with the first agenda item, a discussion about Criterion C as it relates to the eligibility of the Frank J. Wood Bridge (FJW). She noted that many comments were focused on the eligibility of the FJW under Criterion C. FHWA determined the bridge eligible for the National Register of Historic Places and that the Preferred Alternative would result in adverse effects to the bridge. She asked for any comments on Criterion C.

Sarah Stokely, Advisory Council for Historic Preservation (ACHP), asked if anyone from Maine SHPO was at the meeting. Ms. Martin responded that they were not. Ms. Stokely asked if they had been notified about the meeting. Ms. Martin said they had been. Ms.

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Stokely asked if any prior discussion about the meeting had been had with SHPO. Ms. Martin said no there hasn't been.

John Graham, Friends of the Frank J. Wood Bridge (Friends), remarked that a calendar invite was not sent around, and that feedback was not asked for the time of this meeting. He noted that this time is not convenient and that he almost had to bring two children with him. He noted the fact that SHPO was not in attendance and that just getting a date set is not consulting. He then stated that the frustration when it comes to Criterion C, based on David Clarke's email, is that FHWA is now considering the bridge eligible under Criterion C and that Criterion C would constitute more significance for the bridge. Mr. Graham noted that the bridge had been considered eligible under the industrial historic district and protected under federal law and then it was then found individually eligible under Criterion A and now found more significance under Criterion C. He noted that FHWA keeps forcing the process by checking boxes and that there was no restatement of the process when the FJW was found eligible under Criterion A. He noted that now the project would remove an eligible bridge not just from the historic district, but a bridge that is eligible under two criteria. He asked that FHWA and MaineDOT consider an alternative with visual impact, something above the roadway. He cited the Penobscot Narrows Bridge and that when it was replaced it was not replaced with a low-cost bridge and part of the reason it wasn't was because of the significance of the unique bridge that had been replaced. He cited an email from Bruce Van Note that said not to repeat the Bucksport experience. He stated that's why they don't want the bridge listed under more things as it would have more weight on the replacement. He noted that he never saw an email go out about the FJW bridge being listed under Criterion C. He noted that the timeline has always been the excuse to keep the process moving. He said there is no timeline, there is no need to keep moving, the bridge is not going to fall down. He asked that the report at SHPO get finished and that an in-kind replacement with visual impact be considered. He noted that if so the new bridge could be something that the next generation could fight for.

David Clarke, FHWA, asked if someone could explain the project as design-build. Ms. Martin replied that it is not a design-build project. Mr. Clarke asked to talk about the Design Advisory Committee (DAC) and what happens in final design. Ms. Martin stated that the DAC provided recommendations on design, and that moving forward, once the environmental process is complete, the DAC, public, and others would also continue to give recommendations on final design. She then asked for any more comments on Criterion C.

J. Phinney White, individual consulting party, then commented that there is a design for the bridge and it is a highway overpass bridge and it will have giant girders. He remarked that the new bridge will look like the bypass bridge and that while tweaks will be made in final design, the new bridge will be much higher, but flat. He then stated that many don't understand the value of Criterion C. He stated that the whole process comes about because DOT needs Federal funds. FHWA will pay 80% of the project, but Section 106 kicks in. The Section 106 process ensures that historic properties are

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documented and makes determinations about what is saved or mitigation to validate what is removed. He then noted that originally the documentation only had FJW as historic within a historic district and not as a standalone resource for the National Register. He noted that the adverse effect was just to the district and to the mills that bookend the bridge and not to Summer Street. He noted that the process then moved forward with a preferred alternative, but later FJW was found standalone eligible under Criterion A. He stated that at that point the preferred alternative should have been retracted. He noted that instead, adverse effects were added for the bridge under the preferred alternative. He noted that this did not follow regulations set by the ACHP. He noted that while the process is talking about mitigation and FHWA is at what they think is the finish line, and we are here to talk about signage, when FHWA actually dropped the baton. He noted that he is standing at the start line with the baton and that he is playing by the rules. He noted that the mitigation meeting shouldn't be happening, and that Criterion C should be looked at because of the beams of the FJW. He stated that the beams are a mix of construction styles. He noted that he brought illustrations of the beams and emailed them to the attendees on the phone. He then explained the rolled steel members and the built-up members. He called out that in the past this was significant and that the Lichtenstein Bridge Survey called out 3 bridges as significant for this construction: Piscataquis River Bridge #3040, International Bridge Fort Kent #2398, and Mill Pond Bridge #2565. He noted that these bridges are gone, and that this interesting technology will be lost. He stated that it is very significant and should be preserved. He then read a statement from a bridge engineer, who stated that previously steel was expensive, and labor was cheap, therefore built-up members were the economical way to construct a truss bridge. The engineer then stated that rolled members became less expensive and that this bridge captures both sides of technology and captures the evolution of bridge technology. He noted that bridge historians should look to the FJW as an example of this bridge technology. Mr. White then noted that the FJW is iconic, particularly in its setting and that it is a major contribution to the area's art and beauty. He also noted the bridge is the last constructed by the Boston Bridge Works in Maine. He cited two other examples in Massachusetts but asserted that FJW is significant as the last example of their work in Maine. He noted that it is unfortunate that SHPO is not here. He called it unbelievable. He stated that he is doing their job, that SHPO should have brought this information to the meeting and he's not sure why this is his job. He also stated that it was a pain to come here today. He stated that he made the case for the steel beams on the FJW as why the bridge should be saved. He then pointed out that Senator Angus King posted a photo on Instagram of the Pejepscot Paper Company mill with a caption about how beautiful the building and its setting is. He noted that FJW is part of that setting and that if the bridge is lost then the shadow on the mill is lost. He then noted that while the project has an adverse effect on the mill it does not on Summer Street, a beautiful neighborhood where workers from the mills lived. He noted that this is a historic bridge looking towards a historic neighborhood. He further noted that there is no adverse effect to Summer Street, and that SHPO agreed to this. He stated that this is wrong. He then noted that if FJW is eligible under Criterion C then there is an adverse effect to Summer Street and that the bridge becomes an artifact as

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an object for its Architecture and Engineering. He then stated that if SHPO would call into the meeting they could comment on this. He stated that DOT says there is an economic benefit of a new bridge in that a temporary bridge would get up and running faster than rehabilitation. He stated that the quickest way to get the benefit of the crossing and remove the posting is to rehabilitate the bridge with a temporary bridge and that this would allow an unposted bridge to open two years before the replacement alternative. He then reiterated that the current design looks like the bypass bridge and that he would like to see someone paint the bypass bridge because of its aesthetics. He also noted that the replacement bridge would have no interest and that it is upsetting.

Betty Hanks Leonard, Friends, then asked about the role that trains played in the construction of the FJW.

Scott Hanson, Friends, stated that the FJW was built to carry the highway and a trolley line from Bath to Lewiston with freight operations. He noted it was built to support 100-ton coal cars and that for its time the FJW was wide, tall, and heavily built. He noted that the way it was built meets today's standards. He then stated that he did have a comment related to Criterion C. He noted that the DAC was never given a chance to look at the design of the new bridge in a broad way. He stated that the DAC looked at how to decorate the bridge with rails and lampposts. He stated that if the FJW is eligible for Criterion C it would mean the new bridge would have to reflect the design of the past as part of mitigation. He noted that the DAC would not deal with that.

Ric Quesada, Bowdoin Mill, noted that the MOA stated that the project adversely impacted the mill. He noted that the mill is the only listed property adversely affected. He stated that as owner of the mill he did not see why there is an adverse impact. He stated that he finds the project positive. He further asked for the adverse impact to be removed.

Ms. Martin replied that listed and eligible properties are treated the same in light of the regulation. She also noted that the existing bridge is eligible for the National Register.

She then moved to the next agenda item, the truss bridge re-evaluation. She stated that in 2003 MaineDOT undertook a survey of historic bridges and that a draft of a re-evaluation of the truss bridges included in that survey is currently being reviewed by SHPO. She noted that the truss survey is on a different timeline than this process. She then opened the floor for questions about the truss survey.

With no questions, Ms. Stokely from the ACHP reiterated that if a property is eligible or listed it does not make a difference under Section 106.

Betsy Merritt, National Trust for Historic Preservation (NTHP) stated that whether the bridge is eligible under Criterion C can make a difference. She noted that the design of the new bridge would be relevant if FJW is eligible under Criterion C and that more work should be done on that front.

Ms. Martin then stated that with the remaining time the meeting would focus on mitigation measures. She noted that she is looking for input and views on the MOA for the adverse effects caused by Alternative 2. She restated that the proposed mitigation

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measures were generated from comments from the Environmental Assessment, consulting parties, SHPO, and from typical measures from similar projects in Maine. She then opened the floor for comments about the draft MOA.

Mr. Graham then referenced the fourth page of the MOA and asked if the consultation with the Native American tribes had been sent recently. David Gardner, MaineDOT, remarked that the tribal letters were sent in 2015. Mr. Graham then stated that those letters would have been misleading as the project scope at that time was bridge improvements. He asserted that the letters should be resent with what is currently happening and that the previous filing was vague. He then noted that under stipulation 1 for final design that consulting parties should see final design at 25%, 50%, and 100% and that there should be a schedule of meetings with consulting parties to have a say on the new bridge. He noted that this is particularly important if the bridge is eligible under Criterion C. He also noted that mitigation is premature at this time as now is the time for input or say on the new bridge. He then noted that the stipulation about a National Register nomination is not possible and that it would be a false promise. He stated that he did not see how the district could be nominated without the bridge. He stated that if the bridge is gone then there is no district. He stated the district would have no value if the bridge is gone. He then stated that his main point is that under Criterion C, FHWA would let the consulting parties have a say in final design and to look at other alternatives that are not a low-cost flat bridge, including a truss bridge. He then noted that there have been no renderings of the proposed bridge. He then noted his frustration that photos and measurements in DOT materials have not been accurate and that he measured the bridge himself. He further commented that DOT has always rounded up rehabilitation numbers and rounded down replacement numbers. He stated that that is not right, and it is misleading. He stated that this calls into question the authenticity of the estimate and design and that there is a clear bias against rehabilitation and that he's seen it so often.

Mr. Quesada then spoke that in addition to the recordation that he would like outdoor panels to discuss the history of the many bridges at this crossing. He noted that the bridges had been in different places and that they should be shown on panels.

Ann Carroll, Friends, then noted that the project is devastating for the historic district. She then asked, on behalf of the neighborhood, where are the drawings for anything? She noted the horizontal has been given, but not the verticals. She stated that she had gone over the DOT drawings with an engineer with 40 years of experience and they could not decipher the approaches and that they thought DOT was hiding something. She noted that she has repeatedly asked for these drawings and has not received anything. She asked if there is preliminary design with the approaches. Darin Bryant, TYLin, noted that conceptual visuals are provided in the Preliminary Design Report (PDR). Ms. Carroll responded that she cannot decipher those and that it looks like something is being hidden from the public. Ms. Martin noted that there isn't much known about the approaches until final design and that preliminary design is not that detailed. Ms. Carroll then asked how pricing is done if design is not finished. She asked to have

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the PDR. She then said if you haven't done the approaches than the cost is a sham. Ms. Martin responded that all costs are an estimate and they will vary from final design. Ms. Carroll then asked for any information that shows the approaches. She then noted that she was the only person who opposed a new bridge on the DAC and that when she joined she promised both towns she would not obstruct the committee. Ms. Martin reminded the group that the DAC would be involved with final design and that it was a town committee, not a DOT committee. Mr. Graham noted that he had emails that stated that the DAC was approved by DOT before the towns. Bill Pulver, MaineDOT, then noted that approaches are not developed other than what is provided in the PDR. Mr. Bryant further noted that elevations are shown for some of the approaches. Kristen Chamberlain, MaineDOT, asked Ms. Carroll to clarify what she is looking for. Bill Pulver noted that the most up-to-date information is in the PDR, which has been provided via the MaineDOT website. Mr. Gardner further asserted that the PDR has been on the MaineDOT website for viewing.

Chick Carroll, Friends, then noted that he's been involved in this project since 2016 and has opposed the replacement bridge on upstream alignment. He said he sent a letter to Joel Kittredge about the project at that time and nothing changed. He noted that nothing has had an effect. He said that in the late 1960s, as an intern in the Secretary of Transportation's Office, he dealt with mitigation and highway disputes shortly after the passage of Section 106 and Section 4(f) when officials weren't sure how to implement them. He noted that he would advise the Secretary about which disputes to be involved with. He noted that it seems this process is just to evade the legislative purpose of the law, while appearing to take it seriously. He noted that mitigation in the MOA was merely plaques and pictures. He noted that mitigation was meant to have a different intent, to invest in restoring an endangered site or a new one. He noted this mitigation as outrage. He noted a lack of transparency and that he has been ignored and scorned, along with the 1,000 members of the Friends. He stated that the lack of transparency is stunning, staggering. He equated it to putting a square peg in a round hole. He noted that of the five alternatives presented that the only one to impact historic resources and endangered species is the preferred alternative. He noted that the curved alignment would go over the fish ladder to a federally licensed dam. He noted that the federal agency is not paying for any damage to fish and that there is no money for any probable harm. He noted that that this would not be found in any public documents. He noted that the cost estimates between the alternatives were not significantly different and that DOT used service life costs to double the costs between. He noted that service life costs are not typically used by FHWA. He noted that when these types of things happen there is usually political pressure which is well known to mid-level DOT staffers. He also noted that such political pressures usually mean someone is making money. He urged attention to this. He further noted that MaineDOT could select an icon like the current structure and that the structure could be less expensive if a temporary bridge was negligible. He noted that the new bridge would be generic and would make no sense. He stated that without full disclosure it would leave the opponents with no choice but oppose

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it with every means under the law. He stated that the project had a long way to go to talk about mitigation properly.

John Adden, London, then spoke that he wanted to offer a view from the other side of the Atlantic. He stated that the project site is a wonderful collection of mills, a dam, the river, and the bridge, like a dragon with three humps that pins it all together. He stated that to remove the bridge would blow the heart out of that statement of industrial Maine. He noted that many cities around the globe has such signature moments, including Sydney's Harbor Bridge, Golden Gate Bridge, Brooklyn Bridge, and Tower Bridge, and that these huge moments make a difference to the cities. He noted that the new bridge could be anywhere and would have no character. He noted the swing in the new bridge would be a detour around nothing. He noted that he can't see what is happening at the landings and that it would be complicated to link the two levels of pavement, particularly without infringing on the park. He asked that something beautiful be made and that the proposed bridge should be better than what is currently there.

Bill Morin, Friends, noted that he was not at the last meeting, but that he wanted to read some comment presented last time by Maine Preservation. He noted two major points: the major and inappropriate acceleration of the Section 106 process by MaineDOT as all pertinent facts have not been considered and that discussing mitigation in June 2018 is premature when things are incomplete. He noted that he attended the open house meeting and he asked an engineer about the approaches. He stated that the engineer told him that they were not concerned with the approaches at the time, but only the bridge itself. He noted that he would like to see solutions not addressed in the project. He noted that Maine Preservation's comments encouraged more work with planning and discussing points made today.

Mr. Clarke asked if visuals had been provided to the group. He noted that he thought visuals related to Summer Street had been provided with concepts of the new bridge. Mr. Gardner replied that those visuals had gone out with the response to comments from the last meeting. Mr. Clarke repeated that there are visuals of Summer Street available. He also asked if a discussion of consulting parties and concurring parties would happen. Ms. Martin said yes, she would be discussing them, but that she wanted to see if anyone had anymore comments.

Arlene Morris, Friends, observed that MaineDOT stated 2 and a half years ago that they were in favor of demolishing the bridge, before the start of a fair Section 106 process, and that rehabilitation would only last 30 years and cost more. She said the newspapers ran with it. She noted that since that time it's been proven false and that an out of state firm looked at the report and that the Friends spent \$10,000 to do so. She noted that DOT did not accept the Friends' report and that they wanted more information. She also noted that they have looked for visuals and been denied. She said she's been told the bridge would be 7 to 10 feet higher. She asked for a 3D model. She noted that the bridge would affect the fish ladder, which doesn't work right. She noted that Brookfield won't pay for it and that the taxpayers will have to pay for it. She then encouraged the rehabilitation of the bridge and to make it beautiful again.

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Doug Bennett, Topsham, then spoke that he is glad to get a new bridge and that he knows many who want it as well. He noted that the two towns need a new bridge that will connect the town centers. He said that he has read most of the project comments and that most people are for the new bridge, but that you wouldn't know it when you come to these meetings. He noted that he worked on the DAC and that the new bridge would be a thing of beauty with a view to the river. He then noted that he did think the mitigation was pale and that it should lift up the bridge and the other bridges at the location. He stated that it should allow people to understand what happened at the crossing and show what it looked like. He urged that mitigation be more than just the 1932 bridge, but also about Native Americans and the tremendous story of the crossing. He also noted that he was troubled by the tremendous accusations that were being levied against MaineDOT and town officials, particularly without evidence and that he believes he has seen a good faith effort to answer questions and provide information.

Scott Hanson noted that he didn't have a lot to add, but that he wanted to state that the current bridge is a good connection between the communities and that the rehabilitation does meet the purpose and need of the project. He stated in regard to the recordation stipulation in the MOA that he has researched and written numerous recordations, engineering and buildings. He noted that he loves doing them, but that they go in a drawer at SHPO. He noted that more can be done if the bridge goes.

Ms. Merritt stated that she supports the Friends comments and she also characterizes the mitigation as inadequate. She noted that she would send more details.

Ms. Leonard asked if Nathan Holth could talk about the estimate for the rehabilitation of FJW. She noted that she felt it was unreasonable, but that she is not a bridge expert and was hoping he could help. She further noted that she worked at the Pejepscot Paper Company and walked the FJW bridge daily. She noted that she didn't think replacing it with a concrete bridge and decorating it or putting up plaques or pictures was adequate. She noted that Brunswick had lost its town hall and that this is important to all of us.

Nathan Holth, historicbridges.org, noted that he was frustrated too about this and raised the issue of the cost a long time ago. He noted that when he suggested pack rust removal that MaineDOT found that it was unsafe. He noted the Michigan DOT is using this method to repair non-historic bridges. He noted that rehabilitation could reflect modern day techniques. He also stated that he found the mitigation inadequate and that no part of the bridge would be preserved.

Kitty Henderson, Historic Bridge Foundation, also stated that she found the mitigation inadequate.

Ms. Martin asked if there were anymore comments. She then stated that comments about mitigation could be submitted until October 20, 2018 via note cards on the table, email, or the project website.

Ms. Stokely asked Ms. Martin to clarify that since October 20 is a Saturday if comments would be accepted until the next business day.

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Ms. Martin agreed that yes, comments would be accepted until that Monday. She then went on to explain that consulting parties are invited to be concurring parties to the MOA if they choose. She also noted that a concurring party does not have the authority to amend or terminate the agreement. Also, a concurring party signature is not required to execute the agreement. The refusal of any party invited to concur in the MOA does not prevent the agreement from being executed or invalidate the MOA. She asked that any consulting party interested in being a concurring party to email or call her about it. Ms. Stokely reiterated Ms. Martin's comments and added that even if the concurring party does not sign the MOA they can continue to consult on the project.

Ms. Martin then stated that at the end of the previous meeting that the NEPA process would conclude in September, but that November is now more realistic.

Ms. Stokely asked that Ms. Martin explain next steps after comments. Ms. Martin added that after the comment period, FHWA would consider the comments and then draft a final MOA. Mr. Bennett asked for a timetable on the revised MOA. Mr. Gardner replied that DOT would look at the comments after close of business on October 22, then need time to review, and then meet with SHPO. He then suggested early November for a revised MOA.

Ms. Stokely asked if consulting parties would be given a chance to review the final MOA. Ms. Martin noted that she had not built that into the schedule. Ms. Stokely stated that she recommends sending out the revised MOA for additional comment. Ms. Martin agreed. Ms. Stokely further recommended that the final MOA be reviewed, and comments provided on it. Ms. Martin agreed.

Ms. Martin then adjourned the meeting.