

June 29, 2020

Kevin E. Moore
Senior Project Manager – Divisions 11-14
Project Management Unit
North Carolina Department of Transportation
1582 Mail Service Center
Raleigh, NC 27699-1582

Dear Mr. Moore,

This letter is on behalf of the parties granted Section 106 Consulting Party status for Riverside Cemetery mitigation as part of the I-26 Connector (Project #I-2513). The following comments reflect the joint position of the Montford Neighborhood Association, the Preservation Society of Asheville and Buncombe County (PSABC), and the City of Asheville. Please convey these comments to the other parties engaged in developing the Memorandum of Agreement (MOA).

Comments on the Draft MOA:

1. Vibration Studies and Monitoring Plan

- This provision is acceptable to the consulting parties as written.

2. Auditory Effects

The paragraph in the draft MOA reads: “Studies of predicted noise level increase attributable to the Undertaking within Riverside Cemetery are three decibels (3 dB(A)) or less and are considered “barely perceptible” to normal human hearing. Therefore, the Undertaking will not substantially interfere with the use and enjoyment of the cemetery as currently planned. Changes to the plans after the execution of this MOA may require additional noise studies and if the levels increase above five decibels (5 dB(A)), additional consultation between the signatories and concurring parties to this MOA will be required.”

- a) The Traffic Noise Report (TNR) for TIP I-2513 appears to contradict the first two sentences. In the TNR, there are 29 (of the 68 total receptors) that show an increase of 4 dB(A) or more attributable to the Undertaking. There are also 20 receptors projected to meet or exceed the NAC of 67 dB(A), 18 of which are increasing due to the Undertaking. The noise impacts will thus be both perceptible and of an absolute level that will substantially interfere with the use and enjoyment of the property.
- b) Per FHWA, under Section 106 “...some properties, such as designed or cultural landscapes where the landscape itself is the significant feature or where the setting is especially important, may be extremely sensitive to any change that can be perceived by the human ear. In such cases FHWA considers anything above 3 dB(A) to be a change that should be considered an effect.”

Pursuant to items a) and b) above, we thus request that the language in this section be revised to read as follows (changed passages indicated with blue font):

“Studies of predicted noise level increases attributable to the Undertaking within Riverside Cemetery include increases in some areas that will range from 4 dB(A) to 9 dB(A), levels which are considered perceptible to normal human hearing. Additionally, there are areas of the cemetery that are projected to increase above the NAC for a Category C land use. Changes to the plans after the execution of this MOA may require additional noise studies. Where the levels of noise increase in the final design are above three decibels (3 dB(A)), and/or where the increases attributable to the Undertaking exceed NAC, additional consultation between the signatories and concurring parties to this MOA will be required.”

3. Re-vegetation of Right-of-Way

- The MOA indicates that revegetation will be “in accordance with NCDOT Guidelines for Planting within Highway Right-of-Way.” The consulting parties request that the MOA state that the landscape plan will include a vegetative buffer along the wall and highway that will be denser than NCDOT standards if necessary to provide adequate screening, and that the buffer will consist of primarily native trees, large shrubs and evergreens.

4. Landscaping within Riverside Cemetery

The consulting parties request the following provisions be added to this section of the MOA.

- Intrusion of the project, such as grading, tree removal, and tree root disturbance, will be minimized inside the boundaries of the cemetery.
- Prior to any land disturbing activity, NCDOT or its contractor will complete a study of the potentially impacted area and will indicate on a map the limits of disturbance. Any proposed disturbance within the Cemetery property will be subject to review by the Historic Resources Commission of Asheville and Buncombe County (HRC) and the Asheville City Parks and Recreation Department.
 - The study shall identify the boundaries of gravesites and funerary monuments in the area of proposed disturbance. If necessary, ground-penetrating radar will be used to confirm that there are no gravesites within the planned area of disturbance, and that a sufficient “do not disturb” buffer is maintained.
 - The study shall include a tree survey and tree removal plan identifying the size and species of all trees exceeding 6” DBH that are targeted for removal. Note: 6 inches is the threshold in the Montford Historic District Standards. Per the Standards, NCDOT or its contractor shall obtain a Certificate of Appropriateness from the HRC for the tree removal and replacement plan.
 - The replanting plan shall conform to the City of Asheville Park’s Department Planting List and be submitted to the HRC for approval and issuance of a Certificate of Appropriateness. The plan should include mostly native trees, shrubs and evergreens that will be densely planted to maximize visual relief. Where practical, the landscaping plan shall include bermed and terraced areas for further buffering of traffic noise and vibration.

5. Roadway Appearance

- Formed concrete walls are not in keeping with the period of significance for this historic resource. In previous conversations and documents, PSABC has requested that the wall facing the cemetery be constructed of natural stone, and that is still their preferred treatment. However, considering the greater cost and construction challenges of this more context-sensitive solution, the City of Asheville and the Montford Neighborhood Association concur with the proposed construction materials as long as sufficiently dense vegetative screening is provided. We request that the MOA state that the final wall design and color will be approved by the HRC and the City Parks and Recreation Department.
- The MOA indicates that the roadway “may include walls and/or a bridge at the western boundary of the cemetery.” The consulting parties appreciate that designs are not final and may be modified through the design/build process. Given the visual and auditory advantages of a wall versus an open structure, we request that a solid wall be provided for the longest extent practical. Once the extent of the open structure is determined, we request that NCDOT engage the consulting parties to develop specific mitigation to address the greater visual and auditory impacts of this open section.

Items in the previously submitted Riverside Cemetery Consulting Parties Position Statement not included in the MOA that we wish to see included:

1. Page 2, Item 1 - The lowering of the 19/23/70 NB roadbed represents the most significant minimization of both auditory and visual impacts. We understand that NCDOT is evaluating options to achieve a 20+ foot reduction in wall height. Should this reduction prove feasible, it should be indicated as a **requirement** in the design/build contract.
2. Page 2, Item 4 - The Design/Build contractor will coordinate construction activities with the Riverside Cemetery Manager and shall cease construction during services or special events at the Cemetery.
3. Page 3, Item 1 - To minimize noise impacts, the most up-to-date noise-mitigating technologies will be utilized along 19/23/70 NB and SB and for I-26 alongside Montford Hills north to the Broadway interchange. This may include but not be limited to:
 - Next Generation Concrete Surface (NGCS)
 - Continuous Reinforced Concrete Pavement
 - Jointless Concrete Bridge structures
 - Guardrails specifically designed for noise abatement.
4. Lighting shall be context-sensitive and shall comply with the City’s Outdoor Lighting Standards ordinance and relevant Aesthetics Committee recommendations. Shielded and dark-sky compliant light fixtures shall be used to illuminate the roadway and signage only, with special consideration given to lighting on elevated highway structures above the river, greenways and homes.

We look forward to further discussion of these matters at the public hearing on July 1.

In closing, although not a matter for inclusion in the MOA, the consulting parties wish to reiterate their interest in receiving the 4(f) analysis for Riverside Cemetery as discussed at the MOA meeting on April 2nd. We understand that FHWA has drafted the paper and it is currently undergoing legal review. We look forward to its release shortly.

Sincerely yours,

The Riverside Cemetery Consulting Party Representatives

Julie Mayfield (City of Asheville)
Michael McDonough (Montford Neighborhood Association)
Stacy Merten (City of Asheville)
David Nutter (Preservation Society of Asheville and Buncombe County)
Ken Putnam (City of Asheville)
Lynn Raker (Montford Neighborhood Association)
Zoe Schumaker (Montford Neighborhood Association)

cc: Ms. Renee Gledhill-Early, NC Department of Natural and Cultural Resources
Mr. Felix Davila, Preconstruction & Environment Engineer, FHWA