



# The Commonwealth of Massachusetts

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April 7, 2006

## CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Bernardston Route 5 and 10 Resurfacing  
PROJECT MUNICIPALITY : Bernardston  
PROJECT WATERSHED : Connecticut  
EOEA NUMBER : 13741  
PROJECT PROPONENT : Massachusetts Highway Department  
DATE NOTICED IN MONITOR : March 8, 2006

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

The proposed project consists of reconstruction of, and improvements to, approximately 6 miles of roadway in the Town of Bernardston. The project includes road widening, cold planing and resurfacing, drainage structure repairs, headwall and pipe repairs, and installation of four-foot shoulders and sidewalks to accommodate bicycles and pedestrians. The intersection of Route 5 and Burrows Turnpike will be realigned as part of the proposed project to improve safety at this intersection. The project also includes realignment of water mains.

The project will result in permanent alteration of approximately 661.5 square feet (sf) of bordering vegetated wetlands (BVW) and temporary alteration of 161 sf of BVW. The project will impact approximately 52 linear feet of Bank. The project includes construction of a 1,000 sf wetlands replication area

The project is undergoing MEPA review pursuant to Section 11.03(6)(b)(1)(b) because it involves widening of an existing roadway by four or more feet for one-half or more miles, and Section 11.03 (1)(b)(3) because it may involve conversion of land held for natural resource purposes in accordance with Article 97. The project requires an

Order of Conditions from the Bernardston Conservation Commission (and on appeal only, a Superseding Order from the Department of Environmental Protection (DEP)). The project will require a National Pollutant Discharge Elimination System (NPDES) Construction Activities Permit from the U.S. Environmental Protection Agency (EPA).

The project involves financial assistance from the Commonwealth and will be undertaken by a state agency. MEPA jurisdiction therefore extends to all aspects of the project that may cause Damage to the Environment as defined in the MEPA regulations.

A portion of the project is located within Article 97 land. The project requires a permanent drainage easement of 345 sf and a slope easement of 1,985 sf in the vicinity of Cushman Park at the intersection of Route 5 and 10. The proponent has not yet determined if the proposed easements will require an Act of the State Legislature. If legislative approval is required for proposed impacts to Cushman Park, the proponent should submit a Notice of Project Change (NPC) demonstrating the project's consistency with the EOE Article 97 Land Disposition Policy.

Portions of the project are located within a State-listed historic district and in the vicinity of a State-listed historic building. According to the ENF, the Massachusetts Historical Commission (MHC) concurred with the opinion of MassHighway's Cultural Resources Unit (CRU) that the proposed project would not adversely affect state-listed historic and archaeological resources. The proponent has committed to coordinating project review with MHC to address any potential impacts to National and State-listed (and National Register-eligible) properties, districts or sites.

The project is being designed to improve stormwater management systems and, as a redevelopment project, will comply with the Massachusetts Stormwater Management Policy to the maximum extent practicable. In a comment letter from the Town of Bernardston Board of Selectmen, the Town requested additional catch basins, as well as a sidewalk connection, handicapped parking, and information on proposed tree removal. In a response to comments letter submitted by the proponent on April 4, 2006, the proponent provided additional information on tree removal, and agreed to investigate additional catch basins and revise the project design to include a sidewalk connection as requested by the Town. The proponent should continue consultations with the Town of Bernardston regarding the proposed stormwater management system and tree removal, and other aspects of project design.

There are several wetlands resource areas in the vicinity of the proposed project. The proponent has received a final Order of Conditions from the Town of Bernardston Conservation Commission. I remind the proponent that if changes are made to the proposed project as design proceeds, a revised Order of Conditions may be needed. According to the ENF, there will be no adverse impacts to public water supply wells in the project area. There is one well located approximately 1,425 feet from the project (off Greenfield road) and another approximately 975 feet east of the project (Sugar House Well). The proponent has committed to implement erosion and sedimentation controls prior to construction to avoid adverse impacts to resource areas. The proponent should

ensure that appropriate measures are implemented to avoid and minimize dust, noise, traffic, odor and nuisance conditions associated with construction activities.

As further detailed in the comment letter from DEP, there are a number of regulations applicable to the project. These include Wetlands (310 CMR 10.00), Air Pollution Control (310 CMR 7.00), Solid Waste Management (310 CMR 16.00, 19.017, 30.00 and 4.00), and the Massachusetts Contingency Plan (MCP) regulations for waste site clean-up (310 CMR 40.0460). The proponent should ensure that the project complies with applicable regulations, including notification requirements for asphalt, brick and concrete crushing, and management of asbestos waste (including cement piping containing regulated asbestos) as further detailed in the DEP comment letter. There is one known hazardous waste site within the project area (RTN 1-13821, Beckwiths Auto Repair at 146 South Street). The proponent should ensure that appropriate procedures are followed, including retaining a Licensed Site Professional (LSP) to review DEP files prior to commencement of the project, as further detailed in the DEP comment letter.

I have determined that the ENF has sufficiently defined the nature and general elements of the project and that the project may proceed to the permitting agencies. No further MEPA review is required for the proposed project.

April 7, 2006

DATE

  
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Stephen R. Pritchard, Secretary

Comments Received:

3/24/06 Town of Bernardston, Board of Selectmen  
3/28/06 Department of Environmental Protection, Western Regional Office  
4/04/06 MassHighway (response to Bernardston Board of Selectmen comments)

SRP/AE/ae