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May 22, 2009

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Thrasher Street Reconstruction Project
PROJECT MUNICIPALITY : Raynham
PROJECT WATERSHED : Taunton
EEA NUMBER : 14406
PROJECT PROPONENT : Town of Raynham Highway Department
DATE NOTICED IN MONITOR : April 22, 2009

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (G. L. c. 30, ss. 61-62I) 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).

Project Description

As described in the Environmental Notification Form (ENF), the project consists of the reconstruction and/or pavement reclamation of approximately 4,830 linear feet (lf) of existing paved public roadway along Thrasher and East Britannia Streets, between King Philip Street and the Raynham-Taunton municipal boundary, in Raynham. The purpose of the project is to improve the safety of the roadway by addressing the geometry of its alignment. Roadway improvements include the reconstruction of 2,900 lf of Thrasher Street and the intersection of Thrasher Street and King Philip Street, and the reclamation and repaving of 1,930 lf of Thrasher and East Britannia Streets. A closed stormwater management system is proposed for the portion of the roadway receiving the full reconstruction. Drainage improvements include catch basins, manholes, drainage piping and four detention basins in and along Thrasher Street. The project involves the transfer to the Town of Raynham of 1.78 acres of land previously held under an Agricultural Preservation Restriction (APR) as part of Borden Colony, a state protected and recreational Open Space.

Jurisdiction and Permitting

The project is subject to review pursuant to Section 11.03(1)(b)(3) of the MEPA regulations because it requires a state permit, involves a land transfer from an agency of the Commonwealth and involves the conversion of land held for natural resources purposes in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth to any purpose not in accordance with Article 97. The project will require an Order of Conditions from the Raynham Conservation Commission (and in the case of an appeal, a Superseding Order of Conditions from the Massachusetts Department of Environmental Protection (MassDEP)); review under the Massachusetts Endangered Species Act (MESA); and a National Pollutant Discharge Elimination System (NPDES) Construction General Permit issued by the United States Environmental Protection Agency.

Because the project involves a land transfer from an agency of the Commonwealth, MEPA jurisdiction is broad and extends to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment as defined in the MEPA regulations.

Article 97 Land

According to the Department of Agricultural Resources' (DAR) comment letter, the Town of Raynham obtained legislation to release 1.78 acres of land along Thrasher Street and East Britannia Street (Chapter 5 of the Acts of 2008) from the APR. The release allowed for the realignment of a portion of Thrasher Street that proposes to improve traffic safety. The legislation conditioned the release of the APR on the Town providing sufficient mitigation for the loss of agricultural land. From the alternatives provided in the Act, the Town of Raynham chose to pay DAR \$17,800 for the purpose of purchasing a future agricultural restriction in the vicinity of the Town as mitigation for the disposition. DAR is in support of this land transfer and mitigation payment and has no objection to the Proponent obtaining any necessary approvals and recording the plan. I therefore find that the proposed mitigation meets the requirements of the Executive Office of Energy and Environmental Affairs' Article 97 Land Disposition Policy (February 19, 1998).

Traffic and Transportation

The project will improve the travel conditions and safety of the deteriorating roadway. The project is not designed to increase roadway capacity, but to provide a consistent roadway cross-section and improve drainage, sight distances, the service life of the roadway and the quality of life for the community. As described in the ENF, work areas have been limited to the minimum amount needed to safely and effectively conduct the proposed roadway improvements.

The project distinguishes between two sections of roadway that require improvement. The first section (Section 1) consists of East Britannia Street from the Raynham-Taunton municipal boundary to its intersection with Thrasher Street, which will be improved by reclamation and regrading only. The second section (Section 2) consists of Thrasher Street from its intersection with East Britannia Street to its intersection with King Philip Street, which will be improved by the reconstruction and realignment of portions of Thrasher Street and the addition of a closed stormwater management system.

Wetlands

The project will not result in the direct alteration of wetland resource areas since work is limited to the 100-foot Buffer Zone as defined in 310 CMR 10.00. Portions of the project may qualify as a Limited Project in accordance with the Massachusetts Wetlands Protection Act regulations (310 CMR 10.53(3)(f)) for maintenance and improvement to existing public roadways. The Proponent is required to file a Notice of Intent (NOI) with the Raynham Conservation Commission and MassDEP. The Proponent has procured an Order of Resource Area Delineation from the Raynham Conservation Commission confirming the delineation of wetland resource areas. The NOI should document and discuss all of the resource areas in the vicinity of the proposed project.

Stormwater

A Stormwater Report included in the ENF indicates that the proposed project is a redevelopment project and is subject to the Redevelopment Standard of the Stormwater Management Regulations (SMR). A closed stormwater management system, including catch basins, manholes, drainage piping and four detention basins, has been designed for Section 2 of the project to improve the existing "country drainage". No drainage improvements are proposed for Section 1 of the project. The ENF indicates that although no change in impervious area will result from the roadway redevelopment project itself, the Town of Raynham has taken into consideration future planning for the reuse of the former municipal landfill on Thrasher Street as a possible Law Enforcement shooting range and parking area and the associated stormwater controls for this future construction are included in the stormwater drainage design.

The proposed project's stormwater management plan should be designed to meet the SMR for a redevelopment project to the maximum extent practicable. I refer the Proponent to MassDEP's comments regarding stormwater management for the future uses for the municipal landfill. MassDEP's comments indicate that although the roadway reconstruction may be considered a redevelopment project within the stormwater regulations, the additional impervious areas created by the proposed future use and closure of the adjacent landfill may require a greater degree of water quality treatment in accordance with the Stormwater Standards, particularly Standard 5 regarding Land Uses With Higher Potential Pollutant Loads. The Proponent will need to work with MassDEP during final project design to ensure that the Proponent's stormwater management plan is consistent with MassDEP's Stormwater Management Policy guidelines, and contains adequate stormwater pollution protection measures to prevent or minimize impacts to the wetland resource areas.

I encourage the Proponent to use Best Management Practices (BMPs) to minimize construction period erosion and sedimentation and to design the project to accommodate future stormwater mitigation measures if future work in wetland resource areas is required. The project will be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) consistent with the NPDES Construction General Permit.

Rare Species

According to the Natural Heritage and Endangered Species Program (NHESP), portions of the proposed project are located within *Priority Habitat* and *Estimated Habitat* of Rare

Species as indicated in the 13th Edition of the Massachusetts Natural Heritage Atlas. NHESP identified in its comment letter that the following state-listed species are within the project site: Eastern Box Turtle (*Terrapene carolina*) and Hessel’s Hairstreak (*Callophrys hesseli*). NHESP notes that the project will require review under MESA (M.G.L. c.131A) and its implementing regulations (321 CMR 10.00) and that while review is required, NHESP does not foresee any major concerns related to rare species and their habitats. The Proponent has committed to make all efforts to work with NHESP to avoid a “take” of rare species during construction activities.

Solid Waste

The Proponent must notify MassDEP if any currently proposed activity will occur within the limits of disposed waste at the inactive partially capped landfill located along Thrasher Street pursuant to 310 CMR 19.130(32) and submit a Landfill Major Post Closure Use Application BWP SW 36. The Proponent must submit a Landfill Major Post Closure Use Application BWP SW 36 for any future use of the landfill site prior to any such use and include construction details of the proposed project and appropriate revisions to the facility operations and maintenance plan.


Construction Period Impacts

I strongly encourage the Proponent to utilize BMPs during the construction period to limit impacts to wetland resource areas, habitat, and rare species. The Proponent should evaluate construction period impacts, including erosion and sedimentation, air quality and solid waste disposal and commit to measures to minimize construction impacts. Demolition and construction activities must comply with both MassDEP Solid Waste and Air Quality control regulations.

Conclusion

Based on the information in the ENF and after consultation with relevant public agencies, I find that no further MEPA review is required at this time. The project may proceed to state permitting.

May 22, 2009
Date


Ian A. Bowles

Comments received:

- 05/07/2009 Natural Heritage and Endangered Species Program
- 05/12/2009 Massachusetts Department of Environmental Protection – SERO
- 05/18/2009 Massachusetts Department of Agricultural Resources

IAB/PPP/ppp