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November 7, 2008

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

PROJECT NAME : Milford Upper Charles Trail
PROJECT MUNICIPALITY : Milford
PROJECT WATERSHED : Charles
EEA NUMBER : 14325
PROJECT PROPONENT : MassHighway / Town of Milford
DATE NOTICED IN MONITOR : October 8, 2008

Pursuant to the Massachusetts Environmental Policy Act (M.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).

As described in the Environmental Notification Form (ENF), the project includes the construction of the 2.8-mile Phase 2 section of the Milford Upper Charles Trail multi-use pathway. Phase 1 of the trail, also approximately 2.8-miles in length, has already been constructed. The Milford Upper Charles Trail extends from the Holliston town line, through the Town of Milford, to the Hopkinton town line. The trail consists generally of a 12-foot wide paved pathway with 2-foot gravel shoulders. The majority of trail construction will occur within the existing abandoned railroad right-of-way, with the difference incorporated into the existing highway layout.

Phase 2 is divided into two segments, Phase 2A (which includes the Senior Center spur) and Phase 2B. Phase 2A extends Phase 1 of the Milford Upper Charles Trail north from Deer

Street, crossing the Charles River and Route 85, terminating at the Hopkinton town line. A parking lot with 23 parking spaces will be constructed on Town-owned land near the end of this trail segment. Phase 2A also includes a small spur extending Phase I from Main Street south to the rear of the Senior Center on North Bow Street. This spur is approximately 0.2-miles in length. Phase 2B begins in a parking lot off Veterans Memorial Drive south of Route 109 and runs westerly, crossing both Route 109 and Beaver Street, under Interstate 495, ending at the Holliston town line. Parking for Phase 2B will be accommodated within the existing Friendly's restaurant parking lot.

The ENF estimates land alteration impacts at approximately 10.8 acres of new disturbance, with the creation of 8.1 acres of impervious area. These calculations include both Phase 1 and Phases 2A and 2B. The project will alter approximately 3,873 square feet (sf) of Bordering Vegetated Wetland (BVW) and approximately 34,434 sf of Riverfront Area. The ENF proposed 4,253 sf of wetland replication area. Portions of the project site are mapped as *Priority* and/or *Estimated Habitat* by the Massachusetts Natural Heritage and Endangered Species Program (NHESP).

Jurisdiction

The project is undergoing MEPA review pursuant to Section 11.03(1)(b)(2) because the project requires a State agency action and will result in the creation of five or more acres of impervious area and Section 11.03(3)(b)(1)(f) due to the alteration of ½ acre or more of other wetlands (Riverfront Area). The project will require a Section 401 Water Quality Certificate (401 WQC) from the Massachusetts Department of Environmental Protection (MassDEP) and approval from the U.S. Army Corps of Engineers. The project must obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities from the United States Environmental Protection Agency (U.S. EPA). The project must file BRP WM09-Approval of NPDES Stormwater Pollution Prevention Plans for Construction or Industrial General Permits Discharging to Outstanding Resource Waters with MassDEP. The project has already received an Order of Conditions from the Milford Conservation Commission.

The Massachusetts Highway Department is both a co-proponent of the project and providing partial funding for construction of the project. Therefore, MEPA jurisdiction for this project is broad and extends to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment as defined by the MEPA regulations.

Transportation

The project will create another link in the regional Upper Charles Trail, conceptually designed to link the towns of Ashland, Hopkinton, Milford, Holliston, and Sherborn. The Milford Upper Charles Trail will provide both transportation and recreational opportunities; connecting urban areas with designated open space, commercial, and residential areas. The project is included in the 2007-2010 Transportation Improvement Plan (TIP) for the Boston

Metropolitan Planning Organization (MPO). The project has also been designed to be consistent with the State Bicycle and Pedestrian Plans. The Proponent has indicated that appropriate safety measures, such as cross-alert systems, will be incorporated into the project design to safely facilitate roadway crossings as needed along the trail.

Wetlands

The project will result in the alteration of approximately 3,873 sf of BVW and approximately 34,434 sf of Riverfront Area. Approximately 4,253 sf of wetlands replication have been proposed to mitigate alteration of wetland resource areas. Phase 2A of the trail will cross the Charles River in the same location as existing crossings associated with the abandoned railroad bed. New 10-foot wide footbridges will be constructed at each crossing on existing cut granite abutments. An Order of Conditions was issued by the Milford Conservation Commission on June 19, 2008.

Stormwater

The project has been designed to meet the MassDEP Stormwater Management Regulations using appropriate stormwater Best Management Practices (BMPs) included in MassHighway's Stormwater Handbook. Along the length of the project, stormwater BMPs include drainage channels, detention basins, filter strips, and level spreaders. Appropriate erosion and sedimentation controls should be used during the construction period to reduce potential environmental impact from stormwater runoff. MassDEP has noted that portions of the Phase 2A segment of the trail may discharge stormwater to adjacent surface waters designated as Outstanding Resource Waters (ORWs). Proponents applying for coverage under EPA's NPDES Construction General Permit are required to comply with Massachusetts' statutory and regulatory provisions that protect and control pollutant discharges to ORWs. The Proponent will be required to submit to MassDEP's Division of Watershed Management's Surface Water Discharge Permit Program a complete application of BRP WM09-Approval of NPDES Stormwater Pollution Prevention Plans for Construction or Industrial General Permits Discharging to Outstanding Resource Waters.

Rare Species

According to the NHESP Phase 2A of the trail is mapped as *Priority* and *Estimated* Habitat (as indicated in the 12th and 13th Edition of the Massachusetts Natural Heritage Atlas) for the Wood Turtle (*Glyptemys insculpta*), a state-listed species of Special Concern pursuant to the Massachusetts Endangered Species Act (MESA) (M.G.L.c.131A) and its implementing regulations (321 CMR 10.00). Phase 2B of the project is not located within *Priority* or *Estimated* Habitat.

The NHESP issued a letter on March 6, 2008 with a determination that Phase 2A must be conditioned in order to avoid a "take" of the Wood Turtle. These conditions were outlined in

this correspondence and included either a timing restriction on the construction period or the submission, approval, and implementation of a Construction Monitoring and Protection plan for the Wood Turtle and association reporting requirements. The Proponent should comply with the conditions set forth by the NHESP to avoid a take during the construction of the project.

Phase 3

The Milford Upper Charles Trail also includes a potential Phase 3 portion, which would connect Phase 1 to Phase 2B. The specific impacts of this phase, if any, were not estimated in the ENF. The ENF has stated that the Town of Milford is planning to construct a new roadway as an alternate route to Route 16 to relieve traffic congestion in downtown Milford. This alternative route, if constructed, will run north from Mt. Pleasant Street and connect to Veterans Memorial Drive and will include a two-lane multi-use trail along the roadway. I remind the Proponent that a Notice of Project Change (NPC) may be required based upon the final design of Phase 3. The Proponent should consult with the MEPA Office to determine if an NPC should be filed upon determining the scope of additional improvements that may be proposed in the future.

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.

November 7, 2008
Date



Ian A. Bowles

Comments received:

- 10/23/2008 Natural Heritage and Endangered Species Program
- 10/28/2008 Massachusetts Department of Environmental Protection – CERO
- 10/29/2008 Milford Conservation Commission

IAB/HSJ/hsj