



# *The Commonwealth of Massachusetts*

*Executive Office of Environmental Affairs*

*100 Cambridge Street, Suite 900*

*Boston, MA 02114-2524*

MITT ROMNEY  
GOVERNOR

KERRY HEALEY  
LIEUTENANT GOVERNOR

STEPHEN R. PRITCHARD  
SECRETARY

Tel. (617) 626-1000  
Fax. (617) 626-1181  
<http://www.mass.gov/envir>

November 14, 2005

## DRAFT RECORD OF DECISION

PROJECT NAME : Blackstone River Bikeway  
PROJECT MUNICIPALITY : Worcester, Millbury, Sutton, Grafton,  
Northbridge, Uxbridge, Millville and  
Blackstone  
PROJECT WATERSHED : Blackstone  
EOEA NUMBER : 13642  
PROJECT PROPONENT : Massachusetts Highway Department in  
cooperation with the Department of  
Conservation and Recreation  
DATE NOTICED IN MONITOR : October 8, 2005

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (G.L.c.30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) and request for a Phase I waiver submitted on this project. I propose to grant a Phase 1 Waiver, allowing the first phase of the project to proceed to the state permitting agencies prior to completion of the Single Environmental Impact Report (EIR) for the entire project.

### Project Description

The project entails the construction of a 28-mile bikeway through the municipalities of Worcester, Millbury, Sutton, Grafton, Northbridge, Uxbridge, Millville and Blackstone. The Massachusetts portion of the bikeway is part of a planned 48-mile

bikeway that will connect Worcester with Providence, Rhode Island and form the centerpiece of the John H. Chafee Blackstone River Valley National Heritage Corridor, a congressionally-designated area affiliated with the National Park Service.

The Bikeway will be constructed as a combination of off-road bicycle path, on-road bicycle lane, and on-road bicycle route. The off-road portions of the Bikeway will use various corridors, such as abandoned railroads, active railroads, the historic Blackstone Canal towpath, utility corridors, and undeveloped terrain. Once constructed, individual sections of the Bikeway will be owned and maintained by either the municipality through which it passes or the Department of Conservation and Recreation (DCR).

As described below, the Blackstone River Bikeway would be constructed in six phases, with one phase previously constructed:

- Section 1 - from the Massachusetts/Rhode Island state line in Blackstone to Central Street in Millville;
- Section 2 - from Central Street in Millville to Millville Road (Route 122) in Uxbridge (this section is the subject of a Phase I Waiver Request);
- Section 3 - from Millville Road (Route 122) in Uxbridge to the Tenneco Gas Pipeline right-of-way in Northbridge;
- Section 4 - from the Tenneco Gas Pipeline right-of-way in Northbridge to the intersection of Ferry Street and Maple Avenue in Grafton;
- Section 5 - from the intersection of Ferry Street and Maple Avenue in Grafton to the completed portion of the Bikeway at the Route 146/Route 122A interchange in Millbury;
- Section 6 - which was constructed in conjunction with the Route 146 Connector Project and roughly parallels the Blackstone River Parkway (Route 146) from the Route 146/Route 122A interchange in Millbury to Quinsigamond Avenue at Brosnihan Square in Worcester; and
- Section 7 - from Quinsigamond Avenue at Brosnihan Square to Union Station at Washington Square in Worcester.

Phase I Description

Phase I of the project entails the construction of Section 2 from Central Street in Millville to Millville Road (Route 122) in Uxbridge along primarily publicly-owned off-road corridors, such as the Southern New England Trunk Trail (SNETT) right-of-way, a former railroad line now serving as a recreational trail owned by the Department of Conservation and Recreation, various roadway rights-of-way, and a Town of Uxbridge sewer easement.

Criteria for a Phase I Waiver

Section 11.11 of the MEPA regulations provides that the Secretary may waive any provision or requirement of 301 CMR 11.00 not specifically required by MEPA, and may impose appropriate and relevant conditions or restrictions, provided that the Secretary finds that strict compliance with the provision or requirement would: a) result in undue hardship to the proponent, unless based on delay in compliance by the proponent; and b) not serve to minimize or avoid damage to the environment.

In the case of a partial waiver of a mandatory EIR review threshold that would allow the proponent to proceed to Phase I of the project prior to preparing an EIR, this finding shall be based on one or more of the following circumstances: 1) the potential environmental impacts of Phase I are insignificant; 2) ample and unconstrained infrastructure and services exist to support Phase I; 3) the project is severable, such that Phase I does not require the implementation of any other future phases; and 4) the agency action on Phase I will contain conditions that ensure due compliance with MEPA.

Findings

Based on information submitted by the proponent and after consultation with the relevant state agencies, I find that strict compliance with the requirement to complete the EIR prior to initiating construction of the proposed apartment building would a) result in undue hardship to the proponent because it would unnecessarily delay implementation of a segment of this long-awaited project and its resulting health and air quality benefits; and b) not serve to minimize or avoid damage to the

environment because the Expanded ENF provided an adequate level of detail regarding this segment of the project and presented a conceptual design that minimizes environmental impacts to the greatest extent practicable. Specifically, I find that:

- 1) The potential environmental impacts of Phase I are insignificant. While Section 2 of the Bikeway will affect environmental resources, such as wetlands, floodplain, rare species habitats, and historic and archeological resources, these resources will be avoided and minimized as much as feasible and appropriate mitigation will be provided for all unavoidable environmental impacts. If Section 2 was a stand-alone project, it would not categorically require the preparation of an EIR
- 2) Ample and unconstrained infrastructure and services exist to support Phase I. The proposed Bikeway will not require the construction of substantial new infrastructure, and the alignment of Section 2 will utilize an existing abandoned railroad right-of-way, roadways, and utility corridors.
- 3) The project is severable, such that Phase I does not require the implementation of any other future phases. Although Section 2 is part of the larger Bikeway project, it does not require the implementation of the remaining sections and could exist as a stand-alone project. Once Phase I is complete, it would not rely on the construction of the remaining sections, although this would certainly be the desired outcome, nor would it preclude the implementation of any mitigation measures in conjunction with the remaining sections of the project.
- 4) The agency actions on Phase I, specifically the Order of Conditions to be issued by the Uxbridge Conservation Commission, and the 401 Water Quality Certification and possibly a variance from the Wetlands Protection Act regulations to be issued by DEP, will contain conditions that ensure due compliance with MEPA.

Based on these findings, it is my judgment that the waiver request has merit and meets the tests established at 310 CMR 11.11 of the MEPA regulations. Therefore, I propose to grant the

Phase I waiver. This Draft Record of Decision shall be published in the next issue of the *Environmental Monitor* for a fourteen-day comment period, after which I shall reconsider, modify, or confirm the waiver.

November 14, 2005

Date

Stephen R. Pritchard

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