



THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF TRANSPORTATION  
MASSACHUSETTS HIGHWAY DEPARTMENT

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February 9, 2009

Mr. Ian A. Bowles, Secretary of Energy and Environmental Affairs  
Attn: MEPA Office – EOE A No. 11870  
100 Cambridge Street, Suite 900  
Boston, MA 02114

RECEIVED

FEB 10 2009

MEPA

Subject: Orange-Athol-Phillipston-Route 2 Transportation Project

Dear Secretary Bowles:

The Massachusetts Highway Department (MassHighway) requests to withdraw the Single Environmental Impact Report for the above-referenced project and re-submit it as of today along with the corresponding MassHighway Section 61 Findings in order to provide for a sufficient review period for both documents. We will not be re-submitting a hard copy of the SEIR, as it is identical to the version that was filed in December of 2008.

Pursuant to Massachusetts General Laws (MGL) Chapter 30, Section 61 and 62A-H of the Massachusetts Environmental Policy Act, MassHighway prepared and submitted a Single Environmental Impact Report for this project in December 2008 and has subsequently generated Section 61 Findings. We have already sent the Section 61 Findings to those previously having submitted comments on the SEIR (included in the list below).

If you require any additional information regarding the subject project or the Department's actions regarding the submittal of these documents, please contact me at (617) 973-7484.

Sincerely,

Kevin M. Walsh  
Director of Environmental Services

cc: Ms. E. Heidi Ricci - Mass Audubon Society  
Alexandra Dawson, Esq. – Mass. Association of Conservation Commissions  
Ms. Maureen Mullaney – Franklin Regional Council of Governments/Route 2 Task Force  
Mr. Richard Kwiatkowski - Town of Orange Town Administrator  
Mr. Alexander MacLeod - Chair of Town of Orange Conservation Commission  
Ms. Nancy Lyman - Town of Orange Administrative Coordinator  
Thomas W. French, PhD. – Commonwealth of Mass. Division of Fisheries and Wildlife  
Ms. Andrea Donlon – Connecticut River Watershed Council



# DRAFT SECTION 61 FINDING

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Project Name: Route 2 Improvement Project  
Project Location: Orange, Massachusetts  
Project Proponent: Massachusetts Highway Department  
EOEA Number: 11870

## PROJECT DESCRIPTION

This MassHighway project involves transportation improvements to a 5.5-mile section of Route 2 in Orange. Similar improvements have already been completed along 7.5 miles of Route 2 in nearby Athol and Phillipston. The purpose of the project is to improve safety. Key safety concerns have been the number and severity of crashes that have occurred on this roadway, as well as the substandard length of acceleration and deceleration lanes at Route 2's interchanges with other roadways.

In Orange, the project will feature the lengthening of acceleration and deceleration lanes at Exits 14 (West River Street), 15 (Route 122), and 16 (U.S. Route 202). Minor improvements to the alignment of several ramps at those interchanges will also be made. The mainline Route 2's roadway's total cross section will increase from its existing 48 feet to 59 feet although the paved cross-section will actually decrease from the existing 48 feet to 46 feet except in the areas of the acceleration and deceleration lanes.

The project also includes a comprehensive program of stormwater management.

## MEPA REVIEW PROCESS

Pursuant to Massachusetts General Law (MGL) Chapter 30, Section 61 and 62A-H of the Massachusetts Environmental Policy Act, the Massachusetts Highway Department (MassHighway) prepared and submitted a Single Environmental Report in December 2008. The Secretary of Environmental Affairs issued a certificate of the SEIR on \_\_\_\_\_, indicating that the SEIR adequately and properly complied with MGL Chapter 30 and its implementing regulations.

## PROJECT ADVERSE IMPACTS AND PROPOSED MITIGATION MEASURES

The following is a summary of the adverse impacts that will result from implementation of the proposed action in Orange, along with proposed mitigation measures.

## Land Alteration

The project alters 40.93 acres of land in Orange. Of this total, 3.73 acres are converted to new impervious surface, while 37.20 acres are graded and planted. None of the disturbed lands contains rare species habitat. All of the lands are within the Route 2 right-of-way, with the exception of a small area of Town-owned land in Orange for which Town Meeting has voted to grant MassHighway an easement. MassHighway plans to utilize this easement for stormwater-related purposes. Also, all of the lands, with the exception of a relocated exit ramp at the Route 2/Route 122 interchange at Exit 15 in Orange, are currently in use as roadside side slope for Route 2.

Land altered for the construction of new impervious surface is discussed below in relation to mitigating stormwater impacts. Regarding the remaining disturbed land, the disturbance is temporary and unavoidable to widen the cross-section and regrade as appropriate. Following construction, this disturbed land will be planted with a seed mix to stabilize the surface and avoid erosion.

**MassHighway is responsible to ensure that the disturbed surfaces are stabilized through replanting. MassHighway is committed to completely stabilizing the disturbed areas upon completion of construction in each defined construction zone.**

## Impervious Surface

A total of 3.73 acres of new impervious surface will be created by this project in Orange. The project includes a comprehensive program of stormwater management to treat runoff from both the existing and the new impervious surfaces. Prior to this project, no stormwater along this section of Route 2 received any treatment at all.

There is no existing stormwater treatment along the length of the project corridor. The project will result in major improvements to this condition. When the project in Orange is completed, 86 percent of the stormwater from the entire proposed cross-section, not just the increased area of impervious surface, will be able to be treated for some level of TSS removal.

**MassHighway is responsible to ensure that the stormwater management system is installed as proposed in the SEIR and to be documented in the project's Notice of Intent. This system will be maintained by MassHighway according to the standards contained in MassHighway's Handbook for Stormwater Management for Highways and Bridges.**

## Wetland Resources

The project in Orange will result in the filling of 21, 894 square feet of wetlands. Impacts to regulated resource areas also include 108 linear feet of bank, 31 linear feet of land under waterways, and 107,238 square feet of riverfront area.

to treat water associated with potential dewatering operations, will limit potential surface and groundwater quality impacts.

### Riverfront Area

Impacts to 107,238 square feet of Riverfront Area (RFA) are anticipated in Orange. RFA are presumed significant, according to 310 CMR 10.58(1), to protection of public or private water supply, protection of groundwater supply, flood control, storm damage prevention, prevention of pollution, protection of wildlife habitat, and protection of fisheries.

The proposed project will comply with the three performance standards for riverfront areas, as it will also: comply with performance standards for other resources located in project RFAs; there is no practicable and substantially equivalent economic alternative to the proposed project with less adverse impacts to interests addressed in the Massachusetts Wetlands Protection Act; and the proposed project will have 'no significant adverse impact' on any RFA. Specifically, the interests of the Wetlands Protection Act will not be adversely affected by proposed RFA activities, and vegetation and other resources remaining following project implementation will continue to contribute to these interests. Also, stormwater will be managed and the capacity of the RFA to provide important wildlife habitat functions will not be impaired.

**MassHighway is responsible to ensure that this wetlands resource creation and impact mitigation effort occurs as described above and in the appropriate supporting project documentation. MassHighway is committed to ensuring the completion of these mitigation efforts before the Route 2 project is finished. Following wetland creation, MassHighway is committed to having a wetlands scientist monitor each mitigation location for a period of three years to ensure that within the first two growing seasons vegetated coverage equals or exceeds 75% of the wetland replication area. Annual reports on the status of each mitigation site will be supplied by MassHighway to the Orange Conservation Commission and to DEP's Western Region office.**

### Bordering Land Subject to Flooding

The project in Orange will place approximately 16,200 cubic feet of fill in bordering land subject to flooding. State and Federal regulations require that there be no increase in flood hazards associated with the project.

All 16,200 cubic feet of fill in bordering land subject to flooding will (to the degree feasible) be mitigated for on a foot-for-foot, elevation-for-elevation, basis as required by the Massachusetts Wetlands Protection Act. Specifically, to compensate for the filling of bordering land subject to flooding, 16,200+ cubic feet of flood storage at Wetland D, a tributary to Shingle Swamp Brook in Orange, will be provided in conjunction with the replication of bordering vegetated wetlands at that same location.

### Bordering Vegetated Wetlands (BVW)

Section CMR 10.55(1) of the Massachusetts Wetlands Protection Act regulations states that bordering vegetated wetlands are presumed significant to the protection of public or private water supply, flood control and storm damage prevention, prevention of pollution, and protection of fisheries and wildlife habitat.

Impacts from the project to approximately 21,894 square feet of BVW wetlands, occurring in a total of 8 wetlands, are anticipated in Orange. Based on conceptual evaluation of two mitigation sites within the Route 2 right-of-way, it is anticipated that at least 22,000 square feet of BVW can be created. An application for an Order of Conditions, supported by appropriate documentation, will be submitted to the Orange Conservation Commission in 2009.

The two mitigation sites are in immediate proximity to open water and existing wetlands, with favorable hydrologic conditions expected to be established and sustained at each site. Accordingly, from both an aerial and functional perspective, the proposed project complies with the performance standards associated with bordering vegetated wetlands.

### Bank

Estimated impacts to banks in Orange are limited to 108 linear feet, of which 62 linear feet are associated with the perennial Single Swamp Brook and 46 linear feet are associated with four intermittent waterways.

Section 310 CMR 10.54(1) states that banks are presumed significant for the protection of public or private water supply, for flood control and storm drainage prevention, for prevention of pollution, and for protection of fisheries and wildlife habitat.

Section 310 CMR 10.54(4) of the Massachusetts Wetlands Protection Act regulations sets forth five performance standards for banks. The proposed project in Orange will comply with each standard because the physical stability of bank resources will not be impaired; there will be no alteration of the water-carrying capacity of existing channels; soil erosion and sediment controls will be used during construction, with the project's stormwater management system and associated BMPs' being employed subsequent to construction to further limit impacts to water quality; the ability of perennial waterways to provide habitat, escape cover, and food will not be impaired; and project implementation will not impair the capacity of waterways to provide important wildlife habitat functions.

### Land Under Waterways

Impacts to land under water bodies/waterways will total approximately 31 linear feet due to extension of culverts to the north and south of Route 2 at Shingle Swamp Brook. However, the proposed project will comply with each of the above five performance standards set forth in 310 CMR 10.56(4) for land under waterways. In particular, the use of soil erosion and sediment controls during construction, including sedimentation basins

**MassHighway is responsible to ensure that the construction of this compensatory flood storage is completed prior to or coincident with the complete placement of fill in the bordering land subject to flooding.**

## **FINDING**

The environmental impacts resulting from the construction of the Route 2 Improvement Project have been described in the SEIR, and the adverse impacts are summarized in this Section 61 Finding.

MassHighway finds that with implementation of the mitigation measures described above, all practicable means and measures will be taken to avoid or minimize adverse impacts to the environment relating to the proposed Route 2 Improvement Project. Appropriate conditions will be included in the permits to describe more fully and ensure implementation of said measures.

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Luisa Paiewonsky, Commissioner  
Massachusetts Highway Department