



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Deval L. Patrick
GOVERNOR

Timothy P. Murray
LIEUTENANT GOVERNOR

Ian A. Bowles
SECRETARY

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

May 29, 2009

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE

PROJECT NAME: I-93/Route 110/Route 113 Interchange Reconfiguration and Reconstruction Project
PROJECT MUNICIPALITY: Methuen
PROJECT WATERSHED: Merrimack
EOEA NUMBER: 14279
PROJECT PROPONENT: Massachusetts 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 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) describing two projects to provide needed short-term temporary relief for the Methuen Rotary and hereby determine that it **does not require** the preparation of an Environmental Impact Report (EIR). However, in accordance with a Certificate dated August 8, 2008, the project as a whole continues to require the preparation of a Draft EIR (DEIR). The proponent, the Massachusetts Highway Department (MassHighway) has requested a Phase I Waiver in order to allow the construction of two short-term improvement projects described below to proceed prior to submitting its DEIR. Therefore, I am also issuing a Draft Record of Decision (DROD) proposing to grant the Phase I Waiver, subject to public comment. If the Phase I Waiver is not granted, then I will reissue this Certificate on the NPC with a denial of the requested Phase I Waiver. Although I have not issued a new scope for the DEIR on account of the NPC, the DEIR should incorporate impacts from the Phase I Waiver (if granted) into the assessment of the project's cumulative impacts.

NPC Project Change Description

As described in the NPC submittal, MassHighway is proposing to proceed with the construction of two of the ten “Short-Term Improvements” described in its previously reviewed ENF submittal for the Interstate 93 (I-93)/Route 110/Route 113 Interchange Reconfiguration and Reconstruction Project prior to submitting its DEIR. Specifically, MassHighway has completed design and engineering plans and proposes to proceed with the construction of the I-93 Interchange/Exit 46 Northbound Bypass Lane project and the Route 110/Riverside Drive Traffic Signal project.

Exit 46 Northbound Bypass Lane

This short-term project involves the construction of a 12 feet wide and 1,700 linear feet (lf) northbound bypass lane from the I-93 Exit 46 northbound off ramp to a point approximately 260 feet west of Heather Drive by widening the existing I-93 Exit 46 northbound off ramp by 20 feet. Bypass lane traffic will be temporarily separated from rotary traffic by jersey barriers.

Route 110/Riverside Drive Traffic Signal

MassHighway is also proposing to construct a new traffic signal and sidewalks at the Route 110/Riverside Drive intersection. This short-term project will not result in any impacts to wetlands resource areas.

Previous MEPA Review

Based on the recommendations of its May 2008 Methuen Rotary Study, MassHighway is proposing to redesign and reconstruct the I-93/Route 110/Route 113 interchange (Methuen Rotary Project) to increase mobility, reduce congestion, and improve safety and air quality. As described by MassHighway, the project is consistent with the long-term improvement recommendations of the Methuen Rotary Study, undertaken by MassHighway with input from the Study Advisory Committee (SAC), to evaluate and address transportation issues at the I-93/Route 110/Route 113 interchange and surrounding arterials in the City of Methuen. The proposed project is not intended to increase roadway capacity. As originally described in the ENF, the project involves the construction of ten Short-term Improvements and seven a long-term Permanent Improvements to the I-93/Route 110/Route 113 interchange (Alternative 3A) to provide needed short-term temporary relief and a permanent structural solution for the Methuen Rotary study area.

The project consists of the construction of the following short-term and long-term permanent improvements:

Short-term Improvements

- Clear growth on northwest quadrant to improve sight lines for vehicles exiting the rotary;
- Installation of warning signs for westbound vehicles exiting the rotary;
- Installation of traffic safety signs along Route 113 west of the rotary;
- Installation of a flashing warning light at bottom of southbound off-ramp;

- Installation of additional lighting as needed at the rotary and within the rotary area;
- Reapplication of striping and pavement markings through the rotary and its approaches;
- Installation of advance signage at all rotary approaches;
- Construction of a roadway widening to accommodate rotary by-pass lanes on three rotary approaches;
- Construction of a realignment of the westbound exit from the rotary; and,
- Construction of a new signalization at existing rotary intersections.

Permanent Improvements – Alternative 3A (Partial Cloverleaf)

- Removal of the existing rotary configuration;
- Construction of a partial cloverleaf (two loops) interchange to accommodate westbound Route 110/113 to southbound I-93 on-ramp, and I-93 northbound off-ramp to westbound Routes 110/113;
- Widening and re-alignment of western portion of Route 113 and eastern portion of Route 110 to provide continuous through-movements for Routes 113 and 110;
- Construction of improved signage and public transit information;
- Construction of improved pedestrian/bicycle amenities;
- Completion of a Type I Noise Analysis consistent with FHWA Highway Traffic Noise Abatement Policy as well as MassHighway Type I Noise Policy. If noise impacts are identified (per policy) mitigation in the form of noise barriers will be considered; and,
- Construction of transit enhancements and improvements.

MEPA Jurisdiction and Required Permits

The project is undergoing review and requires preparation of a mandatory EIR pursuant to Section 11.03(3)(a)(2), and of the MEPA Regulations because it will require a Variance in accordance with the Wetlands Protection Act (WPA). The project is also undergoing review pursuant to Sections 11.03(1)(b)(2), 11.03(3)(b)(1)(d), 11.03(6)(b)(1)(b) and 11.03(6)(b)(2)(a) of the MEPA Regulations because: it will result in the creation of five or more acres of impervious surface area; the alteration of 5,000 or more square feet (sf) of bordering vegetated wetlands (BVW); widen an existing roadway for one-half or more miles; and alter terrain ten or more feet from the existing roadway for one-half or more miles. The project will require a Section 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP). The project must obtain an Order of Conditions from the Methuen Conservation Commission or if the Order is appealed, a Superseding Order of Conditions from MassDEP. The project will require a Variance from MassDEP's Wetlands Regulations and a Construction Dewatering Permit, a Notice of Construction & Demolition, and a Notice Regarding Demolition and Construction from MassDEP. It must comply with the National Pollution Discharge Elimination System (NPDES) General Permit from the United States Environmental Protection Agency (U.S. EPA) for stormwater discharges from a construction site of over one acre. MassHighway may be required to prepare a blast design plan pursuant to the Board of Fire Protection Regulations (577 CMR 13.09) for the proposed construction of roads, semi-direct ramps and replacement bridges within the project area.

Because the project proponent is a state agency and the project involves state funding, MEPA jurisdiction is broad and extends to all aspects of the project that may cause Damage to the Environment as defined in the MEPA regulations.

REVIEW OF NOTICE OF PROJECT CHANGE

Environmental Impacts of Phase I Short-term Improvements

The majority of all proposed construction work associated with the proposed short-term improvement projects will be within the right-of-way of the state roadway layout. MassHighway has estimated that the proposed Exit 46 Northbound Bypass Lane project will result in the creation of approximately 20,000 sf of additional impervious surface area and will impact approximately 7,835 square feet (sf) of buffer zone areas to wetland resource areas. The new Route 110/Riverside Drive Traffic Signal project will not result in any impacts to wetlands resource areas.

The stormwater management system for the bypass lane project is being proposed under the Redevelopment Standard 7 of MassDEP's Stormwater Management Regulations, which applies to maintenance and improvement projects, including roadway widening of less than a single lane width. As currently designed, all drainage areas within the project corridor will be served by deep sump catch basins and conveyed to the existing stormwater management system with eventual discharge directly to the Merrimack River.


In its comments on the NPC/Phase I Waiver Request, MassDEP has indicated that the proposed stormwater management system design for the Exit 46 Northbound Bypass Lane project will need to be modified to fully comply with MassDEP's Stormwater Management Regulations. MassDEP has requested that revised information be submitted to the MassDEP staff in Boston and NERO for review prior to final design and construction. MassHighway should continue to consult with the MassDEP in the final design and construction of the proposed Exit 46 Northbound Bypass Lane project to ensure that all applicable standards have been met.. The DROD contains conditions to ensure that the stormwater impacts from the proposed Exit 46 Northbound Bypass Lane project is designed in full compliance with MassDEP's Stormwater Management Regulations.

Conclusion

Further MEPA review is required in the form of a DEIR. After review of the NPC and consultation with the permitting agencies, I propose to grant the Phase I Waiver for the two proposed Short-term Improvements described in the NPC submittal in a separate Draft Record of Decision (DROD).

The impacts of Phase 1 of the project will be incorporated into the assessment of overall impacts for the project in the DEIR.

May 29, 2009
Date



Ian A. Bowles, Secretary

Comments Received:

05/22/09	Massachusetts Department of Environmental Protection (MassDEP) – NERO
05/26/09	Northern Middlesex Council of Governments (NMCOG)
05/07/09	Natural Heritage and Endangered Species Program (NHESP)

NPC #14279
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