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July 11, 2008

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

PROJECT NAME : Route 44 Intersections Improvement Project  
 PROJECT MUNICIPALITY : Middleborough  
 PROJECT WATERSHED : Taunton River  
 EOE NUMBER : 14248  
 PROJECT MASSHIGHWAY : Massachusetts Highway Department  
 DATE NOTICED IN MONITOR : May 21, 2008

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) 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 Massachusetts Highway Department (MassHighway) proposes to construct geometric modifications and signalization improvements within existing state highway layout at four at-grade intersections located along a 2.8-mile section of Route 44 in Middleborough to improve existing safety conditions. The project corridor begins at the Route 44/Old Centre Street intersection and extends eastward to include the Route 44/Everett Street intersection, the Route 44/Plymouth Street intersection, and the Route 44/Route 105/Plympton Street intersection. The ENF includes the following proposed intersection improvement measures:

- Road widening by approximately 10 feet of Route 44 at these intersections to provide a through lane, and exclusive left-turn and right-turn lanes;
- Replacement and upgrading of traffic signals;
- Modifications to existing intersection geometry; and,
- New traffic signage and pavement markings.

Upon project completion, each of the four intersections will have a 12-foot wide exclusive left-turn lane, a 12-foot wide exclusive right-turn lane, a 12-foot wide travel through lane, a 4 foot wide shoulder approaching the intersection, and a 6-foot wide shoulder leaving the intersection.

The project is undergoing review pursuant to section 11.03 (6)(b)(1)(b) of the MEPA regulations, because it involves the widening of an existing roadway by four or more feet for one-half or more miles (5,920 linear feet total). The project will require an Order of Conditions from the Middleborough Conservation Commission, and hence a Superseding Order from the Department of Environmental Protection (MassDEP) if the local Order is appealed. The project will also require a Section 404 Programmatic General Permit (PGP) from the U.S. Army Corps of Engineers (ACOE). Because MassHighway is a State Agency, MEPA jurisdiction extends to all aspects of the project that may cause significant Damage to the Environment.

### *Wetlands*

The project will not result in impacts to bordering vegetated wetlands (BVW), but will involve alterations to approximately 920 feet of inland bank associated with the proposed relocation of stormwater drainage swales, classified as intermittent streams, located on the north and south sides of Route 44 at the Route 44/Plymouth Street intersection. These drainage swales are connected to an intermittent stream, the Nemasket River and wetland resource areas. The project will result in impacts to approximately six acres of total wetland buffer area. According to MassDEP, MassHighway must provide MassDEP with additional detailed information during the permitting process to describe MassHighway's proposed mitigation plan for impacts to wetland resource areas.

### *Stormwater/Flood Plain*

According to the ENF, the project will result in an increase of approximately 1.3 acres of impervious surface area. The minor increase in stormwater runoff generated by the project will be mitigated by the implementation of Best Management Practices (BMPs) within the project corridor including the installation of new deep sump catch basins, grass swales and sedimentation basins, and the maintenance of existing catch basins, sedimentation traps and drainage swales located throughout the project corridor. Stormwater from the project corridor will continue to be discharged from drainage manholes and deep-sump catch basins to existing headwalls, culverts and grass swales, the Namasket River and adjacent wetlands resource areas along Route 44 between Old Centre Street and Route 105. The existing and proposed stormwater management system for this portion of the project corridor will be maintained by MassHighway.

The Route 105/Plympton Street intersection portion of the project is located immediately adjacent to the northwestern boundary of an existing Zone II municipal groundwater protection area for the Town of Middleborough's public water supplies. As currently proposed, the project will not result in any changes to existing watershed drainage patterns or impacts to this public water supply.

The Department of Conservation and Recreation (DCR) has indicated that the project corridor contains 100-year floodplain area. MassHighway will thus need to demonstrate that the proposed construction activities meet applicable performance standards for construction in flood zones pursuant to Section 10.57 of the Wetlands Protection Act Regulations.

### *Rare Species*

According to the information provided in the ENF, the Natural Heritage and Endangered Species Program (NHESP) has indicated to the Proponent that the Route 105/Plympton Street intersection area contains habitat for the Eastern Box Turtle (*Terrepenne Carolina*) a state-listed species of Special Concern. NHESP has determined that in order to avoid a direct take of the Eastern Box Turtle, the Proponent should commit to time-of-year (TOY) construction restrictions to correlate with the Eastern Box Turtle's seasonal (June) peak movement period. As described in the ENF, the Proponent has committed to avoid conducting any on-site construction activities located within the project corridor during the month of June to protect the Eastern Box Turtle.

### *Historic Resources*

Portions of the project corridor are located within and/or adjacent to the Muttock Historic and Archaeological District. According to the comments received from the Massachusetts Historical Commission (MHC), the Muttock Historic and Archaeological District is listed in the State and National Registers of Historic Places. An area referred to as "The Green" is an historical area that the Federal Highway Administration determined is eligible for listing in the National Register of Historic Places. Other significant historic and archaeological properties may be located within the project corridor. Under the terms of the programmatic agreement between MHC, MassHighway, and FHWA, identification, evaluation of significance, and determinations of effect, and consultation to resolve any adverse effects to historic and archaeological properties will be undertaken in compliance with 36 CFR 800.

*Mitigation*

In follow-up to the MEPA site visit for this project, the MassHighway supplemented the ENF with additional information, including MassHighway's proposal to reseed intermittent stream bank replacement areas with wetland seed mix as mitigation for the project's proposed impacts to wetland resource areas. The MassHighway must consult with MassDEP and the Middleborough Conservation Commission to finalize MassHighway's proposed drainage improvements and the mitigation of impacts to wetland resource areas. In response to comments received during the MEPA consultation session held for this project on June 9, 2008, I encourage MassHighway to explore opportunities for providing a pedestrian crosswalk and a phased signal as part of the proposed Route 44/Plymouth Street intersection improvements to connect existing residential and recreational uses located immediately north of the Route 44/Plymouth Street intersection to Middleborough's downtown commercial district located south of this intersection.

Overall, MassHighway appears to have designed the project to minimize its impacts, particularly to wetlands, stormwater drainage, and public shade trees. Based on a review of the information provided by MassHighway and after consultation with the relevant public agencies, I find that the potential impacts of this project do not warrant the preparation of an EIR. MassHighway can resolve the remaining issues during the process of final design and during the permitting process.



Ian A Bowles, Secretary

July 11, 2008

DATE

Comments received:

06/12/08	Department of Conservation and Recreation (DCR)
06/16/08	Natural Heritage and Endangered Species Program (NHESP)
06/18/08	Massachusetts Highway Department (MASSHIGHWAY)
06/24/08	Department of Environmental Protection (MassDEP) – Boston
06/24/08	Massachusetts Historical Commission (MHC)

EEA ENF# 14248

IAB/NCZ/ncz