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April 9, 2021

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

PROJECT NAME	: Reconstruction of Route 140
PROJECT MUNICIPALITY	: Westminster
PROJECT WATERSHED	: Nashua
EEA NUMBER	: 16340
PROJECT PROPONENT	: Town of Westminster Department of Public Works
DATE NOTICED IN MONITOR	: March 10, 2021

Pursuant to the Massachusetts Environmental Policy Act (MEPA; 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** an Environmental Impact Report (EIR).

Project Description

As described in the Environmental Notification Form (ENF), the project consists of the full-depth reconstruction of approximately 1.6 miles of Route 140 in Westminster, from its intersection with Patricia Road south to the Princeton town line. The project is proposed jointly by the Massachusetts Department of Transportation (MassDOT) and the Town of Westminster (the Town) to improve safety for drivers and bicyclists, improve traffic operations, and address drainage and flooding issues that have developed within this section of Route 140. The Project is included in the Montachusett Regional Planning Commission (MRPC) 2022-2023 Transportation Improvement Program (TIP) and will be funded by MassDOT. The project will address operational deficiencies by providing a consistent roadway cross-section including 11.0-foot-wide travel lanes and 5.0-foot-wide shoulders in each direction. It will address drainage and flooding issues through the replacement of three cross culverts

that are degraded or undersized. The project will also involve the construction/installation of a new guardrail and signage; changes to the horizontal and vertical alignment of the roadway; tree removal and landscaping; and new pavement markings.

Project Corridor

The 10.5-acre project corridor extends approximately 1.6 miles in the southern portion of Westminster, abutting the Princeton town line. Route 140 is a two-lane Urban Principal Arterial roadway; the section within the project corridor is under the jurisdiction of the Town. As described in the ENF, Route 140 is part of the National Highway System (NHS) and provides access to Route 2 to the north and Interstate 190 to the south; it ultimately extends from Winchendon to New Bedford. Within the project corridor, the roadway varies in width from 24- to 28-feet, with 11- to 14-foot travel lanes and 0- to 3-foot shoulders. The project corridor is characterized primarily by undeveloped forested and wetland areas, with portions of sparsely developed residential areas and farmland.

The average traffic volume along the project corridor is approximately 7,400 vehicles per day. Posted speed limits are primarily 35 miles per hour (mph) with a short section that is 30 mph. No sidewalks or specific bicycle accommodations exist along Route 140 in the project corridor. As described in the ENF, roadway pavement condition varies between fair and good along the project corridor, with segments in the southern portion that experience ponding and flooding during and after storm events. Several cross culverts carry runoff under Route 140. The ENF states that the flooding and drainage issues present along Route 140 are primarily due to obstructed and/or undersized culverts near Wachusett Lake including three that are proposed to be replaced as part of the project: a 2-foot by 5-foot box culvert crossing between Wyman Pond and Wachusett Lake (Culvert 1); two 54-inch diameter pipes that form a culvert crossing associated with waters of Bolton Brook (Culvert 2); and a 48-inch diameter Corrugated Metal Pipe (CMP) culvert crossing associated with an unknown tributary to Wyman Pond (Culvert 3).

The project corridor contains several wetland resource areas, including: Bordering Vegetated Wetlands (BVW), Bordering Land Subject to Flooding (BLSF), Riverfront Area (RFA), Land Under Water (LUW), and Bank. The Wachusett Lake Public Water Supply Watershed, which is classified as an Outstanding Resource Water (ORW), is located approximately 360 feet northwest of the southern terminus of the project, near the Princeton town line. Wyman Pond (located within the project corridor) is classified as an impaired water body due to the presence of non-native aquatic plants. The project does not contain *Estimated and Priority Habitat of Rare Species* as delineated by the Natural Heritage and Endangered Species Program (NHESP) in the 14th Edition of the Massachusetts Natural Heritage Atlas. The project contains two structures that are listed in the Massachusetts Historical Commission's (MHC) Inventory of Historic and Archaeological Assets of the Commonwealth (Inventory).

Environmental Impacts and Mitigation

Potential environmental impacts associated with the project include the alteration of 10.5 acres of land (including the alteration of 0.3 acres of undeveloped land), creation of 1.06 acres of impervious area (for a total of 7.14 acres), and alteration of the following wetland resource areas: BVW (1,214 square feet (sf) or 0.03 acres), BLSF (14,805 sf or 0.34 acres), RFA (59,011 sf or 1.25 acres), LUW (4,961 sf or 0.11 acres), and Bank (648 linear feet (lf)). The project will require 4,931 cubic yards (cy)

of fill, and the removal of approximately 50 to 60 public shade trees.[1] Approximately 587 cy of sediment will be dredged for culvert work.

Measures to avoid, minimize, and mitigate Damage to the Environment include the creation of 5,079 cy of compensatory flood storage, construction of a 1,500-sf wetland replication area, restoration of temporarily impacted wetland resource areas to pre-construction conditions, stormwater management system improvements, and utilization of erosion and sedimentation controls during construction.

Jurisdiction and Permitting

The project is subject to MEPA review and preparation of an ENF pursuant to 301 CMR 11.03(3)(b)(1)(b), 11.03(3)(b)(1)(f), 11.03(6)(b)(1)(b), and 11.03(6)(b)(2)(b) of the MEPA regulations because it requires Agency Actions and will result in the alteration of 500 or more lf (648 lf) of inland Bank, the alteration of one-half or more acres of any other wetlands (BLSF, LUW, and RFA), the widening of an existing roadway by four or more feet for one-half or more miles, and the cutting of five or more living public shade trees of 14 or more inches in diameter at breast height (dbh), respectively. The project requires a 401 Water Quality Certification (WQC) and Chapter 91 (c.91) Waterways License from the Massachusetts Department of Environmental Protection (MassDEP).[2]

The project will require an Order of Conditions from the Westminster Conservation Commission (or in the case of an appeal, a Superseding Order of Conditions from MassDEP). The project requires authorization from the U.S. Army Corps of Engineers (ACOE) under the General Permits for Massachusetts in accordance with Section 404 of the Federal Clean Water Act as well as a National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) from the U.S. Environmental Protection Agency (EPA).

Because the project is being undertaken by a State Agency and receiving Financial Assistance, MEPA jurisdiction for any future review would be broad in scope and extend to all aspects of the project that may cause Damage to the Environment, as defined in the MEPA regulations.

Review of the ENF

The ENF provided a description of existing and proposed conditions, preliminary project plans, and a sediment grain size distribution analysis. It identified measures to avoid, minimize and mitigate environmental impacts.

Alternatives Analysis

The ENF evaluated several alternatives based on their ability to meet the project purpose while minimizing environmental impacts and Right-of-Way (ROW) takings. The project is proposed to

[1] The ENF states the project will require the removal of greater than 5 public shade trees but does not specify an exact number. An estimate of 50-60 public shade trees (which may include trees that are less than 14 inches dbh) was provided in an email from Bryan Cordeiro (MassDOT) to Eva Murray (MEPA Office) sent on April 7, 2021.

[2] The need for a c.91 License from MassDEP was not disclosed in the ENF but stated by the Proponent during the remote consultation session held on March 24, 2021, and confirmed in an email from Bryan Cordeiro (MassDOT) to Eva Murray (MEPA Office) sent on April 7, 2021.

provide safety enhancements along the southern segment of the Route 140 corridor through Westminster for drivers and bicyclists, improve traffic flow, and address drainage and flooding issues. The ENF analyzes four alternatives: 12-foot lanes with 8-foot shoulders and sidewalk on both sides of the roadway (Alternative 1); 12-foot lanes with 8-foot shoulders and sidewalk on one side of the roadway (Alternative 2); 12-foot lanes with 8-foot shoulders and no sidewalk (Alternative 3); and the Preferred Alternative.

Alternative 1 would bring the roadway into compliance with MassDOT's Healthy Transportation Policy (HTP), which requires that projects provide sidewalks on both sides of the roadway ROW in specific areas. According to the ENF, this Alternative was dismissed as the expanded ROW would result in substantial impacts compared to the Preferred Alternative including 6,000 sf of additional impacts to wetlands resource areas, and a significant increase in the number of public shade trees required to be cut and ROW takings; it would also require Article 97 legislation to build on abutting conservation land. Alternative 2 would involve a similar roadway cross-section as Alternative 1, but would provide sidewalks on only one side of Route 140. Similar to Alternative 1, the ENF states that the expanded ROW width would result in a significant increase (compared to the Preferred Alternative) in ROW takings, an additional 3,000 sf of wetland impacts, impacts to historical properties, and Article 97 legislation. For these reasons, Alternative 2 was not considered viable.

Alternative 3 would not include the construction of any sidewalks (similar to the Preferred Alternative) but would involve 12-foot-wide lanes with 8-foot shoulders (compared to the 11-foot-wide travel lanes and 5-foot shoulders proposed in the Preferred Alternative). According to the ENF, the minimum travel lane and outside shoulder widths for NHS Non-Freeway roadways (such as Route 140) are 12-feet and 8-feet, respectively, as described in MassDOT's Engineering Directive E-14-006 (dated December 19, 2014). The ENF states that if the roadway were designed to meet the minimum criteria, there would be significant additional impacts to wetlands (an additional 1,200 sf of alteration), public shade trees, private property along the corridor, and historic sites, as compared to the Preferred Alternative. Alternative 3 was dismissed because it would also still require Article 97 legislation to acquire conservation land for the expanded ROW. The Preferred Alternative (described herein) was selected as it fulfills the project purpose while minimizing environmental impacts. As described in the ENF, the Preferred Alternative does not include the construction of any sidewalks or crosswalks due to ROW/environmental constraints.

Wetlands

The project will impact BVW (852 sf permanent/362 sf temporary), BLSF (13,658 sf permanent/1,147 sf temporary), RFA (59,011 sf permanent), LUW (3,181 sf permanent/1,780 sf temporary), and Bank (568 lf permanent/80 lf temporary). The Westminster Conservation Commission will review the project for its consistency with the Limited Project provisions of the Wetlands Protections Act (WPA), the Wetland Regulations (310 CMR 10.00), and associated performance standards, including the Stormwater Management Standards (SMS). MassDEP will review the project for its compliance with the 401 WQC Regulations (314 CMR 9.00) and c.91 Waterways Regulations (310 CMR 9.00).

According to the ENF, erosion and sedimentation controls will be installed prior to construction and all temporary impacts to wetland resources will be restored in place. Permanent impacts are

associated with roadway widening and fill required to raise the roadway to accommodate the larger capacity culverts, including placement of riprap at the outlets for scour protection. The project will create a 1,500-sf wetland replication area located northeast of the intersection between Route 140 and East Road to mitigate permanent impacts to 852 sf of BVW. The loss of 4,931 cy of flood storage associated with alteration to BLSF is proposed to be mitigated through the creation of 5,079 cy of compensatory flood storage on an incremental foot-by-foot basis.

The project proposes to replace three existing culverts to address current flooding and drainage issues. Culvert 1 (between Wyman Pond and Wachusett Lake) will be replaced with a 4-foot by 6.5-foot box culvert; Culvert 2 (within Bolton Brook) will be replaced with a 6-foot by 6-foot box culvert; and Culvert 3 (within the tributary to Wyman Pond) will be replaced with a 5-foot by 6-foot box culvert. All three culverts will include a natural stream bottom. The ENF states 587 cy of sediment will be dredged to accommodate this work; if some or all of the dredged or excavated materials are determined to meet specific requirements for structural fill, they will be used to the maximum extent possible as backfill for the replacement of culverts.

Land and Stormwater

The project will result in the alteration of 10.5 acres of land associated with roadway reconstruction, including an increase in the impervious area within the project corridor by 1.06 acres for a total of 7.14 acres. The ENF states the project is categorized as a "Redevelopment Project" under the Massachusetts SMS and as such, is designed to meet the SMS to the maximum extent practicable. As described in the ENF, currently stormwater runoff from Route 140 is distributed by "country drainage" off the pavement edges, discharging via gutter flow along the pavement edges in multiple areas where the roadway is lower than the surrounding terrain. Improvements to the stormwater management system include the addition of approximately 40 deep sump catch basins with hooded outlets at low elevation points along the roadway to treat stormwater prior to discharge; currently there are four existing catch basins along the roadway within the project corridor. The project proposes one new outfall to Bolton Brook, the discharge from which will be treated with a Water Quality Structure (WQS) and deep sump catch basins prior to flowing into Bolton Brook.

Public Shade Trees

The project proposes tree pruning, trimming, and removal to provide better sight distances for drivers and utility relocations, including the removal of 50 to 60 public shade trees (which may include trees that are less than 14 inches dbh). The ENF states a public meeting was held on November 6, 2017, during which information was provided regarding the extensive tree removal and widening required for the project. According to the ENF, those present at the public meeting indicated they were in favor of the tree removal required to improve roadway safety. As the tree removal is proposed to improve vehicular safety by providing adequate sight distances, and the surrounding area is predominantly undeveloped, forested land, plantings were not proposed as mitigation. I encourage the Town to consider incorporation of additional tree plantings to mitigate the removal of these public shade trees and to provide additional resiliency benefits.

Historic and Archaeological Resources

As stated above, the project corridor contains two structures listed in MHC's Inventory: the Nathan Wood House, located at 164 Worcester Road (WST.63), and the Ahijah Wood House, located at 175 Worcester Road (WST.61). Both structures are also listed in the National Register of Historic Places. According to the ENF, the project is not expected to impact these historic resources. Comments from the Massachusetts Board of Underwater and Archaeological Resources (BUAR) indicate that there is no record of any underwater archaeological resources in the project area and that the project is unlikely to impact submerged cultural resources. However, BUAR states the area may be archaeologically sensitive, and notes that the Cohasset Maritime Historic Area is located within or in the vicinity of the project. BUAR comments indicate that should heretofore unknown archaeological resources be encountered during the course of work, the Proponent is expected to take steps to limit adverse effects and notify BUAR and MHC, as well as other appropriate agencies, immediately in accordance with the Board's *Policy Guidance for the Discovery of Unanticipated Archaeological Resources*.

Construction

According to the ENF, construction is expected to commence in 2023 and be completed in 2025. All construction activities should be managed in accordance with applicable MassDEP's regulations regarding Air Pollution Control (310 CMR 7.01, 7.09-7.10), and Solid Waste Facilities (310 CMR 16.00 and 310 CMR 19.00, including the waste ban provision at 310 CMR 19.017). The project should include measures to reduce construction period impacts (e.g., noise, dust, odor, solid waste management) and emissions of air pollutants from equipment, including anti-idling measures in accordance with the Air Quality regulations (310 CMR 7.11). Consistent with the GreenDOT policy directive, MassDOT requires that contractors install emission control devices in all off-road vehicles. MassDOT's Revised Diesel Retrofit Specification also requires that emissions control standards must be met or technology must be used for non-road, diesel-powered construction equipment in excess of 50 horsepower. Contractors will be instructed to limit engine idling and use ultra-low sulfur diesel fuel. If oil and/or hazardous materials are found during construction, the Proponent should notify MassDEP in accordance with the Massachusetts Contingency Plan (310 CMR 40.00). All construction activities should be undertaken in compliance with the conditions of all State and local permits.

Conclusion

The ENF has adequately described and analyzed the project and its alternatives, and assessed its potential environmental impacts and mitigation measures. Based on review of the ENF and comments received on it, and in consultation with State Agencies, I have determined that an EIR is not required.

K. Theoharides

April 9, 2021
Date

Kathleen A. Theoharides

Comments received:

03/30/2021 Massachusetts Board of Underwater Archaeological Resources (BUAR)

KAT/ELM/elm

The COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
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30 March 2021

Kathleen A. Theoharides, Secretary
Executive Office of Energy and Environmental Affairs
Attention: Eva Murray, MEPA Unit
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: Town of Westminster Department of Public Works: Reconstruction of Route 140 (EOEA #16340, Westminster, MA

Dear Secretary Theoharides,

The staff of the Massachusetts Board of Underwater Archaeological Resources has reviewed the above-referenced proposed project as detailed in the *Environmental Monitor* of 10 March 2021 and offers the following comments.

The Board has conducted a preliminary review of its files, the Massachusetts Historical Commission's (MHC) Massachusetts Cultural Resources Inventory System (MACRIS), historical and maps, and secondary literature sources to identify known and potential submerged cultural resources in the proposed project area. No record of any underwater archaeological resources was found in the proposed project area. Based on the results of this review, the Board expects that this project is unlikely to impact submerged cultural resources.

However, should heretofore unknown archaeological resources be encountered during the course of work, the Board expects that the project's sponsor will take steps to limit adverse effects and notify the Board and the MHC, as well as other appropriate agencies, immediately in accordance with the Board's *Policy Guidance for the Discovery of Unanticipated Archaeological Resources*.

The Board appreciates the opportunity to provide these comments as part of the MEPA review process. Should you have any questions regarding this letter, please do not hesitate to contact me by email at david.s.robinson@mass.gov.

Sincerely,

David S. Robinson
Director

/dsr
Cc: Brona Simon, MHC
Cheryll Holley, Nipmuc Nation
Bettina Washington, WTGH/A THPO (via email attachment)
David Weeden, MWT THPO (via email attachment)