



The Commonwealth of Massachusetts
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July 6, 2018

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

PROJECT NAME : Damon Road Reconstruction
PROJECT MUNICIPALITY : Northampton
PROJECT WATERSHED : Connecticut
EEA NUMBER : 15869
PROJECT PROPONENT : Massachusetts Department of Transportation (MassDOT)
DATE NOTICED IN MONITOR : June 6, 2018

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 involves the reconstruction of approximately 5,200 feet of Damon Road and 1,450 feet of King Street (Route 5) and intersecting side streets for a total project length of 6,650 feet (1.26 miles). The project will include the construction of a 10-foot wide shared use path from the Norwottuck Rail Trail to River Run Road as well as the installation of sidewalks, improved roadway geometry and upgrades to the stormwater management system. A pedestrian crossing signal is proposed at the intersection of Damon Road and River Run where the multiuse path ends. The project will enhance pedestrian and bicycle access to the Department of Conservation and Recreation (DCR)'s Northampton Field Office and the Norwottuck segment of the Mass Central Rail Trail.

Project Site

The 15.35-acre project corridor is surrounded by commercial and residential uses as well as forested uplands and wetlands associated with the Connecticut River located east and northeast of the

project area. Damon Road intersects Bridge Street, River Run Road, Industrial Drive, and King Street within the project corridor. The project includes improvements to the DCR Field Office drainage system. The Field Office serves as DCR's Connecticut River Greenway State Park and satellite Planning and Engineering Office. The project area includes mapped *Estimated or Priority Habitat of Rare Species* according to the 14th edition of the Massachusetts Natural Heritage Atlas.

Environmental Impacts and Mitigation

Environmental impacts associated with the project include the alteration of approximately 11.96 acres of land, creation of 1.42 acres of impervious area, impacts to 1,002 sf of BVW, 87,871 sf of Riverfront Area, 47 sf of Land Under Water, 369 sf of Bank, and 17,798 sf of Bordering Land Subject to Flooding (BLSF).

Measures to avoid, minimize and mitigate damage to the environment include wetlands replication of approximately 1,311 sf of Bordering Vegetated Wetland (BVW), upgrades to the stormwater management system serving the project corridor, and sedimentation and erosion control measures during the construction period.

Permitting and Jurisdiction

This project is subject to MEPA review and preparation of an ENF pursuant to 301 CMR 11.03(6)(b)(1)(b) and 11.03(6)(b)(2)(b) because it requires a State Agency Action and involves the widening of an existing roadway by four or more feet for one-half or more miles and it requires the cutting of five or more living public shade trees at 14 inches or greater in diameter at breast height. The project requires a Construction and Access Permit from DCR.

The project will require an Order of Conditions from the Northampton Conservation Commission (or in the case of an appeal, a Superseding Order of Conditions from the Massachusetts Department of Environmental Protection (MassDEP)). It will require a National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) from the U.S. Environmental Protection Agency (EPA).

Because the project will be undertaken by MassDOT, MEPA jurisdiction is broad and extends to those aspects of the project that are likely, directly or indirectly, to 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, detailed project plans, and identified measures to avoid, minimize and mitigate project impacts. Comments from DCR are supportive of the project based on improved accessibility to the Norwottuck Rail Trail and improvements to the drainage systems within the project corridor.

The Alternatives Analysis included five alternatives to address the operational deficiencies and capacity constraints at the intersections of Damon Road/King Street, Bridge Road and Industrial Drive as well as numerous safety concerns identified by MassDOT. The alternatives include a Signal Warrant

Alternative, a Shoulder Width Alternative, Sidewalk Location Alternative, Reduced Property Taking Alternative and the Preferred Alternative as described herein.

The Signal Warrant Alternative consists of the addition of a fully-actuated traffic signal at the Damon Road/River Run Road Intersection. This alternative was dismissed because the traffic volume does not warrant signalization. The Shoulder Width Alternative considered providing 4-foot shoulders instead of 5-foot shoulders to reduce property takings. This alternative was dismissed because it would not be consistent with MassDOT's Healthy Transportation Policy. The Sidewalk Location Alternative considered the installation of sidewalks on both sides of Damon Road in the vicinity of the Interstate 91 (I-91) overpass. However, this alternative was dismissed based on the cost associated with the installation of a sidewalk on the southerly side of Damon Road under the I-91 underpass. The Preferred Alternative will include an approximately 600-foot section on the southerly side of Damon Road without a sidewalk. The Preferred Alternative includes a signalized pedestrian crossing to maintain continuous pedestrian access along Damon Road. The Reduced Property Taking Alternative considered eliminating the grass buffer proposed between the roadway and multiuse path along the southwest side of Damon Road east of River Run Road. This alternative would reduce the amount of property takings required; however, it was dismissed due to safety concerns. The Preferred Alternative was selected because MassDOT determined it provided the best balance of traffic operation improvements, pedestrian and bicycle accommodations while minimizing property takings and environmental impacts.

Land Alteration

The majority of land alteration will occur on previously developed land. The project will increase impervious area by 1.42 acres. MassDOT is requesting temporary access to approximately 29,446 sf of land at seven locations on DCR property and will file an application for a Construction and Access Permit from DCR. Several private property takings are required for the project including two residential structures. The project does not involve any other work within publicly owned parks, recreational area or conservation land.

Wetlands and Stormwater

The Northampton Conservation Commission will review the project for consistency with the Wetlands Protection Act, the Wetlands Regulations (310 CMR 10.00) and associated performance standards. Impacts to wetland resources are associated with improvements to and reconfiguration of existing stormwater conveyances, culverts and headwalls at three locations along the Connecticut River. A portion of the subsurface drainage system and associated outfall is located at DCR's Northampton field office. DCR is supportive of the drainage improvements at this location. The work also involves the removal of a deteriorated culvert, headwall and debris necessary to daylight approximately 75 linear feet (lf) of an intermittent stream. Permanent impacts are limited to 25 sf of BVW at one of the culvert outlet locations. All other wetlands impacts will be temporary. The project includes mitigation for an emergency abutment and stabilization project undertaken by MassDOT at the Norwottuck Rail Trail Bridge Site which resulted in permanent impacts to 683 sf of BVW. Approximately 1,311 sf of BVW will be replicated at the south extent of Damon Road, adjacent to an existing drainage channel.

The project demonstrates consistency with MassDEP's stormwater management standards (SMS) for a redevelopment project. Upgrades include installing a closed drainage system to convey, treat and

discharge stormwater runoff. Currently, the stormwater runoff from Damon Road discharges directly into adjacent resource areas without adequate treatment or stabilized discharge points. The project includes installation of deep sump catch basins and stabilized outfalls to improve sediment removal and reduce erosion.

Rare Species

Portions of the project are located in mapped habitat of Estimated or Priority Habitat of Rare Species. On March 20, 2018, the Division of Fisheries and Wildlife (DFW)'s Natural Heritage and Endangered Species Program (NHESP) determined that the project, as currently proposed, would not result in a "take" of state-listed rare species and their habitat. Any changes to the project or any additional work may require additional review by NHESP.

Construction

The project must comply with Solid Waste and Air Pollution Control Regulations, pursuant to M.G.L. c.40, s.54. If oil and/or hazardous materials are identified during construction, notification must be provided to MassDEP pursuant to the Massachusetts Contingency Plan (310 CMR 40.0000). To reduce construction-period air emissions, I encourage the Proponent to require its construction contractors to use equipment manufactured to Tier 4 federal emission standards which are the most stringent emissions standards available for off-road engines. If equipment is not available in the Tier 4 configuration, the Proponent should consider retrofitting equipment with after-engine emissions controls, such as oxidation catalysts or diesel particulate filters.

Conclusion

Based on a review of the ENF and comments received, and in consultation with State Agencies, I have determined that the ENF has sufficiently defined the nature and general elements of the project for the purposes of MEPA review and demonstrated that the project's environmental impacts will be avoided, minimized and/or mitigated to the extent practicable. No further MEPA review is required. The project may proceed to permitting.



July 6, 2018

Date

Matthew A. Beaton

Comments received:

06/22/2018	Natural Heritage and Endangered Species Program (NHESP)
06/25/2018	Department of Environmental Protection - Western Regional Office (MassDEP-WERO)
06/26/2018	Department of Conservation and Recreation (DCR)

MAB/EFF/eff



MASSWILDLIFE

DIVISION OF
FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581
p: (508) 389-6300 | f: (508) 389-7890
MASS.GOV/MASSWILDLIFE

Jack Buckley, *Director*

March 20, 2018

Timothy Dexter
Massachusetts Department of Transportation
10 Park Plaza, Room 4260
Boston MA 02116

RE: Project Location: Damon Road, Northampton
Project Description: Reconstruct Damon Rd from Route 9 to Route 5, drainage system
repairs, and slope stabilization
NHESP File No.: 06-19736

Dear Applicant:

Thank you for submitting the MESA Project Review Checklist, site plans, and other required materials to the Natural Heritage and Endangered Species Program of the MA Division of Fisheries & Wildlife (the "Division") for review pursuant to the Massachusetts Endangered Species Act (MESA) (MGL c.131A) and its implementing regulations (321 CMR 10.00).

Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that this project, as currently proposed, **will not result in a prohibited Take** of state-listed rare species. This determination is a final decision of the Division of Fisheries & Wildlife pursuant to 321 CMR 10.18. Any changes to the proposed project or any additional work beyond that shown on the site plans may require an additional filing with the Division pursuant to the MESA. This project may be subject to further review if no physical work is commenced within five years from the date of issuance of this determination, or if there is a change to the project.

Please note that this determination addresses only the matter of state-listed species and their habitats. If you have any questions regarding this letter please contact Melany Cheeseman, Endangered Species Review Assistant, at (508) 389-6357.

Sincerely,

Thomas W. French, Ph.D.
Assistant Director

MASSWILDLIFE

From: [Paulson, David \(FWE\)](#)
To: [Flaherty, Erin \(EEA\)](#)
Cc: [Cheeseman, Melany \(FWE\)](#)
Subject: Damon Road Reconstruction Project
Date: Friday, June 22, 2018 10:04:41 AM
Attachments: [Northampton_06-19736.pdf](#)

Executive Office of Environmental Affairs
Attention: MEPA Office
Erin Flaherty, EEA No. 15869
100 Cambridge St. Suite 900
Boston, Massachusetts 02114

Project Name: Damon Road Reconstruction Project
Proponent: MassDOT Highway Division
Location: Damon Road
Document Reviewed: Environmental Notification Form
EEA No.: 15869
NHESP No: 06-19736

Dear Secretary Beaton:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") has reviewed the Environmental Notification Form (ENF) for the proposed "Damon Road Reconstruction Project" and would like to offer the following comments regarding state-listed rare species and their habitats.

On March 20, 2018, The Division issued a "No Take" Determination for the above referenced project pursuant to MESA. Attached is the determination letter for your review and reference.

We appreciate the opportunity to comment on this project. If you have any questions about this letter, please contact David Paulson, Endangered Species Review Biologist, at (508) 389-6366 or david.paulson@state.ma.us.

David Paulson

Senior Endangered Species Review Biologist
Massachusetts Division of Fisheries & Wildlife
1 Rabbit Hill Road, Westborough, MA 01581
p: [\(508\) 389-6366](tel:5083896366) | e: david.paulson@state.ma.us
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Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

June 25, 2018

Matthew A. Beaton, Secretary
Executive Office of Energy & Environmental Affairs
Massachusetts Environmental Policy Act Office
Erin Flaherty, EEA No. 15869
100 Cambridge Street, 9th Floor
Boston, MA 02114-2524

Re: Damon Road Reconstruction
Project, Northampton

Dear Secretary Beaton,

The Massachusetts Department of Environmental Protection (MassDEP), Western Regional Office (WERO) appreciates the opportunity to comment on the Environmental Notification Form (ENF) submitted for the Damon Road Reconstruction Project, Northampton, (EEA #15869). Applicable MassDEP regulatory and permitting considerations include; wetlands, wastewater, drinking water, air pollution, hazardous waste, solid waste, and waste site cleanup.

I. Project Description

The project Proponent is the Massachusetts Department of Transportation. The project includes full depth pavement reconstruction, upgrades to the stormwater management system, construction of a 10-foot wide shared-use path from the Norwottuck Rail trail to River Run Road, increasing roadway width to provide designated shoulders and multiuse lane. The project involves the reconstruction of the Damon Road and King Street (Route 5) intersection including the installation of new traffic signal equipment, pedestrian crossing signal and ADA-compliant wheelchair ramps.

No new discharge points directly discharging to resource areas are proposed; however work will be conducted to reconstruct two discharge outfalls and to daylight portions of an intermittent brook within wetland resource areas. The project will require a Notice of Intent from the Conservation Commission and may be reviewed as a limited project.

Environmental impacts are as follows:

- 11.96 acres of new land alteration,
- 1.42 new acres of impervious area,
- 369 sf of Bank,
- 1,002 sf of Bordering Vegetated Wetlands (BVW),
- 47 sf of Land Under Water (LUW),
- 17,798 sf of Bordering Land Subject to Flooding (BLSF),
- 87,871 sf of Riverfront Area, and
- Reconstruction of water and sewer mains.

II. Required Mass DEP Permits and/or Applicable Regulations

Wetlands

310 CMR 10.000

Wastewater

314 CMR 7.00

Drinking Water

310 CMR 22.00

Air Pollution

310 CMR 7.00

Solid Waste

310 CMR 19.00

Bureau of Waste Site Cleanup

310 CMR 40.0000

III. Permit Discussion

Bureau of Water Resources

Wetlands

The project is subject to the Wetlands Protection Act (WPA) and the associated regulations. A Notice of Intent must be filed with the Northampton Conservation Commission; prior to commencement of project construction a final Order of Conditions (OOC) must be issued by the Commission.

If a Notice of Intent is filed prior to completion of the MEPA process, the Conservation Commission will be advised by MassDEP to hold any hearing open until the Secretary's Certificate is issued, and all comments are received from other State and Federal permitting agencies, as appropriate.

Limited Project Provisions

The Proponent has indicated the project, or portions of the project, will be filed as a Limited Project and MassDEP concurs the proposed work may be eligible for review under the limited project provisions at 310 CMR 10.53. Proposed work must, where possible, meet *General Performance Standards*; work that cannot meet *General Performance Standards* may be approved as a limited project. Limited project status requires the Proponent to demonstrate practicable avoidance and minimization of alteration to jurisdictional resource areas, and then describe appropriate mitigation measures for remaining, unavoidable alteration.

Bordering Vegetated Wetland

MassDEP recommends that the permitting authority ensure that sufficient information is submitted, which meets the criteria of the federal and state delineation methodologies.

Land Under Wetlands and Waterways

No net loss of Land Under Wetlands and Waterways is proposed as the Proponent proposes spanning the streams during construction and no permanent impact is proposed.

Bank (Inland) General Performance Standards

This project proposes to impact 369 sf of Bank. This work may be eligible for review under limited project status. The Proponent should be prepared to provide additional information regarding the purpose and design of the water control device detailed on Sheet 50.

Stormwater

The project is a redevelopment project. The Proponent has committed to complying with the *Stormwater Management Standards* to the extent practicable. MassDEP recommends reviewing alternative methods for rip rap stabilization, where feasible, such as bioengineering. MassDEP staff are available for pre-permitting discussions, if requested.

Drinking Water and Wastewater

Any proposed improvements to drinking water or wastewater infrastructure must be carefully coordinated with the Northampton Department of Public Works. There are no MassDEP permits required for the improvements or modifications.

Bureau of Air and Waste

Air Pollution Control

Construction and Demolition Activities

The construction and demolition activity must conform to current Air Pollution Control Regulations. The proponent should implement measures to alleviate dust, noise, and odor nuisance conditions that may occur during the construction and demolition activities. Such measures must comply with the MassDEP's Bureau of Waste Prevention Regulations 310 CMR 7.01, 7.09, and 7.10.

Construction Period Air Quality Mitigation Measures

MassDEP recommends that the project proponent participate in the MassDEP Diesel Retrofit Program. All non-road engines shall be operated using only ultra low sulfur diesel (ULSD) with a sulfur content of 15 ppm pursuant to 40 CFR 80.510.

Asbestos

The proponent shall manage regulated asbestos and asbestos-containing waste material as special wastes in accordance with 310 CMR 19.061.

As discussed, there is a potential that asbestos cement pipe (ACP) may be encountered during stormwater, water and sewer main replacement. MassDEP's asbestos regulation 310 CMR 7.15(7)(b) requires the use of DLS licensed contractors for asbestos abatement activities, except "as allowed by 453 CMR 6.14(1)(a)". The Proponent is also advised to refer to the following guidance document for replacement of ACP:

- <https://www.mass.gov/files/documents/2016/08/wc/acpguid.pdf>

Solid Waste

The proponent shall properly manage and dispose of all solid waste generated by this proposed project pursuant to 310 CMR 16.00 and 310 CMR 19.000, including the regulations at 310 CMR 19.017 (waste ban).

Asphalt, brick and concrete (ABC) generated through crushing and reuse on-site must be handled in accordance with regulation and policy. Otherwise, the proponent would need to obtain a site assignment and facility permit for the crushing activity and a Beneficial Use Determination (BUD) for the reuse of the crushed material of site. More information regarding the handling of ABC, and a copy of the 30-day notification form may be found at the following website: <http://www.mass.gov/dep/recycle/laws/abc.htm>.

The BUD regulations at 310 CMR 19.060 establish levels of assessment for four categories of beneficial use. Similarly, the fee regulations at 310 CMR 4.00, et seq. were amended. These amended regulations would be applicable to reuse of any materials generated by this project that would otherwise be considered solid waste.

The project proponent should be advised that construction activity at the site must comply with both Solid Waste and Air Quality Control regulations. The appropriate Solid Waste provisions addressing this include M.G.L. Chapter 40, Section 54.

Bureau of Waste Site Cleanup

Massachusetts Contingency Plan

The Massachusetts Contingency Plan (MCP) and regulation 310 CMR 40.0000 governs the cleanup of confirmed oil and hazardous material releases in Massachusetts. This project involves a large subject area that contains several disposal sites with Response Action Outcomes (RAOs) or Permanent Solutions within a 0.5-mile radius of the project site.

If soil and/or groundwater contamination is encountered during excavation activities, the proponent should retain a Licensed Site Professional (LSP); the MCP details procedures to follow for the parties conducting work. MassDEP staff are available for guidance.

A spills contingency plan addressing prevention and management of potential releases of oil and/or hazardous materials from pre- and post-construction activities should be presented to workers at the site and enforced. The plan should include but not be limited to, refueling of machinery, storage of fuels, and potential releases

IV. Other Comments/Guidance

If you have any questions regarding this comment letter, please do not hesitate to call Catherine Skiba at (413) 755-2119 or Email: catherine.skiba@state.ma.us.

Sincerely,

This final document copy is being provided to you electronically by the Department of Environmental Protection. A signed copy of this document is on file at the DEP office listed on the letterhead.

Michael Gorski
Regional Director

cc: MEPA File



June 26, 2018

Secretary Matthew A. Beaton
Executive Office of Energy and Environmental Affairs
Attn: Erin Flaherty, MEPA Office
100 Cambridge Street, Suite 900
Boston, Massachusetts 02114

Re: EOEEA #15869, Damon Road Reconstruction Project

Dear Secretary Beaton:

The Department of Conservation and Recreation ("DCR" or "Department") submits the following comments on the Environmental Notification Form ("ENF") submitted by the Massachusetts Department of Transportation (the "Proponent") for its Damon Road reconstruction project (the "Project").

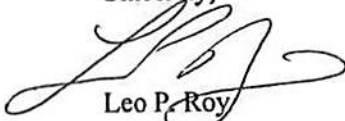
As stated in the ENF, the Project involves reconstructing and improving the functionality of the Damon Road corridor, including the construction of a 10-foot wide shared-use path from the Norwottuck Rail Trail to River Run Road, and enhancing treatment of stormwater runoff throughout the entire Damon Road corridor. The Project also involves reconstructing the Damon Road and King Street (Route 5) intersection and installing new traffic signal equipment and full pedestrian accommodations.

The Project involves drainage improvements on DCR property at its Northampton field office that serves both as the Connecticut River Greenway State Park headquarters and satellite DCR Planning and Engineering Office. The work will be conducted along an existing easement that was granted prior to the Commonwealth's ownership, and prior to the passage of Article XCVII of the Amendments to the Massachusetts Constitution. The Proponent requests temporary access over 29,446 square feet at seven locations on DCR property, which will be administered through a DCR Construction and Access permit. DCR also operates the Mass Central Rail Trail-Norwottuck, an 11-mile rail trail between Northampton and Belchertown. Under the Project, access to the Rail Trail from Damon Road will be vastly improved.

DCR is supportive of the Project, as it will greatly enhance pedestrian and bicycle access to DCR's Northampton field office, as well as the Mass Central Rail Trail-Norwottuck. It will also improve conditions on the DCR field office property, through the repair of a subsurface drainage structure.

Thank you for the opportunity to comment on the ENF. If you have questions regarding our comments, please contact Paul Jahnige at (413) 586-8706 ext. 20.

Sincerely,



Leo P. Roy
Commissioner

cc: Andy Backman, Jennifer Howard, Paul Jahnige, Jennifer Soper (DCR)
Hung Pham (MassDOT)

COMMONWEALTH OF MASSACHUSETTS · EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

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Charles D. Baker
Governor

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Lt. Governor

Matthew A. Beaton, Secretary, Executive
Office of Energy & Environmental Affairs

Leo Roy, Commissioner
Department of Conservation & Recreation

From: [Tory Fletcher](#)
To: [Flaherty, Erin \(EEA\)](#)
Cc: [Pham, Hung \(DOT\)](#); [John Osorio](#); lbarbee@gpinet.com
Subject: Re: Article 97
Date: Saturday, June 30, 2018 10:25:07 AM
Attachments: [image001.png](#)

There is no conversion of article 97 land, although some drainage work as well as wetland mitigation (designed to mitigate for emergency repairs to protect the abutments to the Norwottuck rail trail) will occur on DCR property in cooperation with that agency. All that is needed is a DCR construction access permit.

Tory Fletcher
C: 603-361-5855
Sent from my iPhone

On Jun 29, 2018, at 6:01 PM, Flaherty, Erin (ENV) <erin.flaherty@state.ma.us> wrote:

I just want to make sure that the green area won't be impacted:

<image001.png>

From: Flaherty, Erin (EEA)
Sent: Friday, June 29, 2018 5:54 PM
To: Pham, Hung (DOT); 'Tory Fletcher'
Subject: Article 97

I just wanted to double check and make sure that the roadway widening does not involve any conversion of Article 97 land. Thanks!

Please consider the environment before printing this e-mail.