



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>

April 10, 2009

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

PROJECT NAME: East Street Roadway Improvement Project
PROJECT MUNICIPALITY: Chesterfield
PROJECT WATERSHED: Westfield and Connecticut
EEA NUMBER: 14380
PROJECT PROPONENT: Massachusetts Highway Department,
Town of Chesterfield
DATE NOTICED IN MONITOR: March 11, 2009

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

Project Description

As described in the Environmental Notification Form (ENF) and supplemental materials, the project consists of the reconstruction and rehabilitation of the entire 3.2 mile length of East Street, beginning at the intersection with South Street and ending at the Westhampton town line, in Chesterfield. The purpose of the project is to improve travel conditions and safety in the corridor because of the existing deteriorated pavement conditions. Roadway improvements include drainage, grading, road base reclamation, paving, guardrails and signage. Drainage improvements include culvert replacement, culvert cleaning, drainage swale reconstruction, deep sump catch basins and energy dissipation bowls. The project will result in the alteration of 40 linear feet (lf) of Bank, 4,177 square feet (sf) of Bordering Vegetated Wetlands (BVW), 161 sf of Land Under Water (LUW), 8,125 sf of Bordering Land Subject to Flooding (BLSF), 157,614 sf of Riverfront Area and the widening of the roadway by four or more feet for approximately 1.1 miles.

Jurisdiction and Permitting

The project is subject to review pursuant to Sections 11.03(3)(b)(1)(e) and 11.03(6)(b)(1)(b) of the MEPA regulations because it requires a state permit and will result in a new structure in a regulatory floodway and the widening of an existing roadway by four or more feet for one-half or more miles. The project will require an Order of Conditions from the Chesterfield Conservation Commission (and in the case of an appeal, a Superseding Order of Conditions from the Massachusetts Department of Environmental Protection (MassDEP)); review by the Massachusetts Historical Commission (MHC) under Section 106 of the National Historic Preservation Act; a Massachusetts Programmatic General Permit from the Army Corps of Engineers (ACOE); a National Environmental Policy Act Categorical Exclusion from the Federal Highway Administration; and a National Pollutant Discharge Elimination System Construction General Permit issued by the United States Environmental Protection Agency.

The project will be undertaken by and financed in part by the Massachusetts Highway Department (MassHighway), a State agency. Therefore, MEPA jurisdiction for this project is broad and extends to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment as defined in the MEPA regulations.

Traffic and Transportation

The project is proposed under the MHD Footprint Road Pilot Program. The project will improve the travel conditions and safety of the deteriorating roadway. The project is not designed to increase roadway capacity, but to provide a consistent roadway cross-section and improve drainage, sight distances, the service life of the roadway and the quality of life for the community. As described in the ENF, work areas have been limited to the minimum amount needed to safely and effectively conduct the proposed roadway improvements.

The project distinguishes between two sections of East Street that require reconstruction due to deteriorated pavement conditions. The first section of East Street, a 3,700-foot section from the intersection of South Street to the bridge at the Dead Branch, will be improved by full depth sub-base reclamation, new pavement and drainage swale reconstruction. The second section of East Street, an 11,800-foot section east of the bridge to the Westhampton town line, will be improved by surface milling, pavement overlay, shoulder widening and drainage swale reconstruction. In addition, the Proponent proposes new roadway signage and guardrails to increase safety along East Street.

Wetlands

The project includes a variety of wetland resource area impacts associated with roadway widening and culvert replacement. Wetland impacts are estimated to include approximately 40 lf of Bank, 4,177 sf of BVW (of which, 271 sf will be permanent and 3,906 sf will be temporary), 161 sf of LUW, 8,125 sf of BLSF, and 157,614 sf of Riverfront Area. The Baker Brook culvert replacement will result in 767 cubic feet of additional flood storage and 50 cubic yards of dredged material will be deposited offsite. I encourage the Proponent to ensure this material is disposed of in accordance with applicable regulations. The Proponent proposes to mitigate impacts to BVW by creating a wetlands replication area. The Proponent should ensure that their

wetlands replication plan demonstrates compliance with the Massachusetts Inland Wetland Replication Guidelines. Portions of the project may qualify as a limited project in association with the Massachusetts Wetlands Protection Act regulations (310 CMR 10.53).

According to the Notice of Intent (NOI), the deteriorating 5.5-foot diameter steel culvert at Baker Brook is proposed to be replaced with an 8-foot wide by 9-foot high concrete box culvert designed to meet the *Massachusetts River and Stream Crossing Standards: Technical Guidelines* to the maximum extent practicable as follows:

- the culvert bottom will be embedded to create a “natural” stream bottom;
- substrate within the box culvert will closely match the existing streambed substrate;
- the culvert will be designed to provide water depths and velocities that are comparable to those found in the upstream and downstream stream segments;
- the culvert/channel slope of 1.3% is designed to match the existing profile and to prevent scour; and
- the culvert installation and roadway reconstruction will take place during low flow conditions.

In addition, the NOI states that the project meets the criteria for a redevelopment within a Riverfront Area pursuant to 310 CMR 10.58(5).

The Department of Conservation and Recreation’s (DCR) comment letter states the project involves activities within a 100-year floodplain and floodway. I refer the Proponent to DCR’s comments for an overview of the pertinent regulations and requirements. I encourage the Proponent to work with MassDEP and DCR to ensure that wetlands impacts are avoided and minimized to the maximum extent feasible, or that appropriate mitigation is provided.

As described in the ENF, a significant length of East Street is located within area designated as an Outstanding Resource Water (ORW), however the Proponent has indicated that there will be no fill or dredging within the ORW. Any activity resulting in any discharge of dredged or fill material to any ORW requires a 401 Water Quality Certification application pursuant to 314 CMR 9.04(2).

Stormwater

According to the ENF, the project will result in an increase of 1.9 acres of impervious surface area. The Proponent is subject to the Redevelopment Standard of the Stormwater Management Regulations (SMR). The proposed project’s stormwater management plan will be designed to meet the SMR for a redevelopment project to the maximum extent practicable.

I refer the Proponent to MassDEP’s comments regarding stormwater management for the project. MassDEP’s comments indicate that there are new point source discharges proposed which require compliance with the stormwater redevelopment standards. New point source discharges proposed should comply with the Stormwater Redevelopment Standards to the maximum extent practicable and consider Low Impact Development and Environmental Site Design Techniques. The Proponent will need to work closely with MassDEP during final project design to ensure that the Proponent’s stormwater management plan is consistent with

MassDEP's Stormwater Management Policy guidelines, and contains adequate stormwater pollution protection measures to prevent or minimize impacts to the ORW, floodplain, and other resource areas.

I encourage MassHighway to use Best Management Practices (BMPs) to minimize construction period erosion and sedimentation and to design the project to accommodate future stormwater mitigation measures if future work in wetland resource areas is required. The project will be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) consistent with the NPDES Construction General Permit.

Rare Species

According to the Natural Heritage and Endangered Species Program (NHESP), portions of the proposed project are located within *Priority Habitat* and *Estimated Habitat* of Rare Species as indicated in the 13th Edition of the Massachusetts Natural Heritage Atlas. The NHESP identified in its comment letter that the following state-listed species is within or in the immediate vicinity of the project site: Wood Turtle (*Glyptemys insculpta*). The NHESP has indicated that, with minor construction conditions which include either restricting the limit of work, conducting work outside turtle activity season or enclosing the vegetated areas within turtle habitat prior to the turtle activity season, a "take" of wood turtles would be avoided.

I refer the Proponent to NHESP's comments with regard to fisheries resources within the vicinity of the proposed project and encourage the Proponent to use BMPs to minimize erosion and sedimentation impacts to these resources.

Historic Resources

According to MHC, the project area adjoins the complex historically known as the Bisbee Mill at 66 East Street, which is individually listed in the National Register of Historic Places. The project area also adjoins several other properties that are included in MHC's Inventory of Historic and Archaeological Assets of the Commonwealth and may be eligible for listing in the National Register. However, MHC recommends that ACOE make a finding of "no adverse effect" in accordance with Section 106 of the National Historic Preservation Act.

Construction Period Impacts

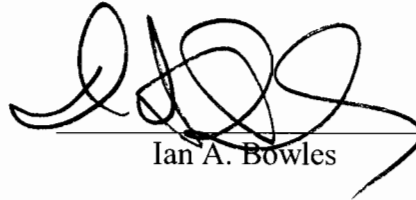
I strongly encourage the Proponent to utilize BMPs during the construction period to limit impact to wetland resource areas, habitat, and rare species. The Proponent should evaluate construction period impacts, including erosion and sedimentation, air quality and solid waste disposal and commit to measures to minimize construction impacts. MassDEP has noted that demolition and construction activities must comply with both MassDEP Solid Waste and Air Quality control regulations. I advise the Proponent to carefully review MassDEP's comments and commit to ensure that the project is consistent with the applicable Solid Waste and Air Quality control regulations.

Conclusion

Based on the information in the ENF and after consultation with relevant public agencies, I find that no further MEPA review is required at this time. The project may proceed to state permitting.

April 10, 2009

Date



Ian A. Bowles

Comments received:

03/18/2009 Massachusetts Historical Commission
03/24/2009 Division of Fisheries and Wildlife
03/24/2009 Chesterfield Conservation Commission
03/30/2009 Massachusetts Department of Environmental Protection - WERO
04/01/2009 Massachusetts Department of Conservation and Recreation

IAB/PPP/ppp