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October 11, 2006

## **FINAL RECORD OF DECISION**

PROJECT NAME: Westfield-Southwick Recreational Trail Project  
PROJECT MUNICIPALITY: Westfield and Southwick  
PROJECT WATERSHED: Westfield  
EOEA NUMBER: 13859  
PROJECT PROPONENT: Massachusetts Highway Department  
DATE NOTICED IN MONITOR: August 8, 2006

Pursuant to the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and Section 11.11 of the MEPA Regulations (301 CMR 11.00), I have reviewed this project and hereby **propose to grant a waiver** from the categorical requirement to prepare an Environmental Impact Report (EIR). In a separate Certificate issued on September 22, 2006, I have set forth the outstanding issues related to the project that can be addressed by permitting agencies.

### Project Description

As outlined in the Environmental Notification Form (ENF), the City of Westfield and the Town of Southwick, in conjunction with the Massachusetts Highway Department (MassHighway), are proposing to construct a recreational trail along the former Penn Central and Pioneer Valley Railroads from the Westfield River in Westfield south to the Connecticut border, a distance of approximately 9.3 miles. The southern terminus of the trail will provide a direct connection to the Farmington Canal Heritage Trail in Suffield, Connecticut. The northern terminus of the trail will provide a direct connection to downtown Westfield through Women's Christian Temperance Park.

For construction purposes, the project has been divided into five sections. The Southwick portion of the project has two sections: Section I extends from the Southwick, MA/Suffield, CT border north to Point Grove Road and Section II extends from Point Grove Road north to the

Southwick/Westfield town line. The Westfield portion of the project (known as the Columbia Greenway) has three sections: Section II extends from the Southfield/Westfield town line north to the Columbia Manufacturing Company; Section I extends from the Columbia Manufacturing Company north to the Westfield River Bridge; and Section III is the rehabilitation of the Westfield River Bridge, including its conversion to a recreational trail.

The proposed work for all sections generally involves the removal of the remaining railroad ties, construction of a 10- to 12.5-foot paved path with 2- to 3-foot graded shoulders; construction of several access paths to the trail from adjacent roadways and other areas; construction of several small parking areas; replacement or rehabilitation of numerous bridges; repair or replacement of drainage structures; installation of fences or guardrail in steeply sloped areas; installation of traffic signals and crosswalks; landscaping; informational signs; and pavement markings. Several rest areas will be constructed along the trail having bicycle racks, benches, picnic tables and trash receptacles.

### Jurisdiction

The project is subject to the preparation of a mandatory EIR pursuant to Section 11.03(1)(a)(2) of the MEPA regulations because it will result in the creation of more than ten acres of new impervious surface. The project also meets the ENF review threshold at 301 CMR 11.03(3)(b)(1)(f) because it will result in the alteration of greater than ½ an acre of “any other wetlands”, in this case Riverfront Area. The project will require a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the U.S. Environmental Protection Agency (EPA); a Programmatic General Permit from the U.S. Army Corps of Engineers (ACOE) pursuant to Section 404 of the Clean Water Act; review from the MA Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP); review from the Massachusetts Historical Commission (MHC); and Order of Conditions from the Westfield and Southwick Conservation Commissions. Because the proponent is a state agency, MEPA jurisdiction is broad and extends to all aspects of the project that may cause significant damage to the environment.

### Waiver Request

The Environmental Notification Form (ENF) submitted on the project was noticed in the August 8, 2006 Environmental Monitor. The proponent did not acknowledge in the ENF that the project required the preparation of a Mandatory EIR. On August 22, 2006 the proponent submitted a request for a full waiver from the EIR requirement. At that time, the proponent also submitted supplemental information about the project in support of the waiver request and requested a two-week extension of the MEPA review period for the project. The waiver request was discussed at the consultation/scoping session for the project which was held on August 24, 2006.

### Criteria for Waiver

Section 11.11 of the MEPA Regulations provides that a waiver may be granted upon a finding that strict compliance with the regulations will result in undue hardship and will not serve

to minimize or avoid damage to the environment. In the case of categorically included projects, this finding shall be based on one or more of the following circumstances: 1) the project is likely to cause no damage to the environment; and 2) ample and unconstrained infrastructure exists to support the project. The terms agreed to as a condition of the waiver will bring about benefits in excess of those that could be achieved in the absence of a waiver.

### Findings

Based upon the information submitted by the proponent and after consultation with the relevant state agencies, I find that:

1. The project is likely to result in a number of environmental, public health and economic benefits. As a greenway, the project will provide a local recreational resource and transportation alternative to the surrounding communities. It will promote active lifestyle opportunities and will provide an alternative to motor vehicle travel. Denial of a waiver from the EIR requirement will result in an undue hardship for the Commonwealth because the process will delay the public's ability to access these significant resources.
2. The project is consistent with the City of Westfield's Open Space Plan and the Town of Southwick's Open Space Plan. Both the City of Westfield and the Town of Southwick have participated in the project planning process and have indicated support for the project as part of their overall efforts to improve recreational opportunities in the community and reduce traffic congestion. The proposed trail is listed on the Metropolitan Planning Organization/Pioneer Valley Region FY 2006-2010 Transportation Improvement Program. The proposed trail meets the planning needs of pedestrians and bicyclists as outlined in the Draft Pioneer Valley Regional Bicycle and Pedestrian Plan (2006), the Massachusetts Pedestrian Plan (MassHighway, 1998), and the Massachusetts Bicycle Transportation Plan (MassHighway, 1998).
3. Preparation of an EIR will not serve to avoid or minimize Damage to the Environment. While the project will result in the creation of 12.6 acres of impervious surface, the new pavement will be spread out over 9.3 linear miles of already altered terrain. The proposed path has been positioned within the footprint of the abandoned railroad right of way in order to minimize impacts to mature trees.
4. The project has been designed to minimize impacts to wetland resource areas. Due to the proximity of wetlands along the Southwick section of the project, the trail in Southwick has been designed as a 10-foot cross section in order to minimize impacts to the buffer zone and avoid wetland impacts. The proponent has received a Negative Determination of Applicability from the Southwick Conservation Commission for Southwick Phase II and has received an Order of Conditions for work in the Riverfront Area along Southwick Phase I. In Westfield, the proponent anticipates that wetland impacts will be minor in nature and consist of less than 100 linear feet of Bank, less than 500 sf of Land Under Water, less than 500 sf of Bordering Vegetated Wetland, and approximately 23,000 sf of Riverfront Area.

5. The project will improve the management of stormwater along the rail corridor. Throughout the entire project area the rails, ties and ballast have been removed to sub-base depths creating an unstable condition prone to washing out during heavy rainstorms. The construction of the recreational trail will reduce siltation and sedimentation into adjacent wetlands by eliminating the current "sluiceway" and "break-out" conditions created by the previously excavated railway bed. Under the proposed plan, stormwater that falls onto the paved path will be distributed via sheet drainage to either side of the pathway and allowed to slowly percolate into the stone shoulder and vegetated grass shoulders and adjacent woodlands. In addition, the trail will only be utilized by non-motorized recreational vehicles and therefore the potential to introduce pollutants into the environment is negligible.
6. According to NHESP, the project area intersects two areas designated as Priority Habitat: PH 1267 in Southwick and PH 940 in Westfield. NHESP has determined that the portion of the project in Southwick will not adversely affect wildlife habitat. The Westfield portion of the project is located within the habitat of the Triangle Floater and the Creeper, two mussel species listed as "Special Concern" in the 11<sup>th</sup> Edition of the Massachusetts Natural Heritage Atlas. The proponent will work with NHESP to ensure that the project does not result in impacts to habitat and to ensure compliance with the Massachusetts Endangered Species Act (MESA).
7. There are no historic properties in the Southwick portion of the project that will be affected by the project. The portion of the project in Westfield will involve the rehabilitation of two railroad bridges that are eligible for listing in the National Register of Historic Places. The northern end of the project is also adjacent to the Depot Square, which is included in MHC's Inventory of Historic and Archaeological Assets of the Commonwealth. MHC has indicated in its comments on the ENF that the project will have "no adverse effect" (36 CFR 800.5(b) and 950 CMR 71.07(2)(b)(2)) on the above listed historical resources.

Based on these findings, it is my judgment that the waiver request has merit and meets the tests established in Section 11.11. The permitting agencies have sufficient authority to ensure that the proponent complies with the findings of this Certificate. Therefore, I grant the waiver requested for this project, subject to the above findings.

October 11, 2006  
Date

  
Robert W. Golledge, Jr.

No comments received

RWG/BA/ba