

<i>For Office Use Only</i> Executive Office of Environmental Affairs MEPA Analyst: <i>Deirdre Buckley</i> Phone: 617-626- <i>1044</i>
--

NPC

Notice of Project Change

The information requested on this form must be completed to begin MEPA Review of a NPC in accordance with the provisions of the Massachusetts Environmental Policy Act and its implementing regulations (see 301 CMR 11.10(1)).

Project Name: Shining Sea Bikeway – Phase III		EOEA #: 13049	
Street: Carlson Lane to County Road along railroad ROW			
Municipality: Falmouth		Watershed: Cape Cod	
Universal Tranverse Mercator Coordinates:		Latitude: 41°34'49.11"N Longitude: 70°38'07.61"W	
Status of project construction:		100% complete	
Proponent: Town of Falmouth			
Street: 59 Town Hall Square			
Municipality: Town of Falmouth		State: MA	Zip Code: 02540
Proponent:			
Street:			
Municipality:		State:	Zip Code:
Name of Contact Person From Whom Copies of this NPC May Be Obtained: Gene Crouch			
Firm/Agency: Vanasse Hangen Brustlin, Inc.		Street: 101 Walnut Street, P.O. Box 9151	
Municipality: Watertown		State: MA	Zip Code: 02471-9151
Phone: 617-924-1770	Fax: 617-924-2286	E-mail: gcrouch@vhb.com	

In 25 words or less, what is the project change? The project change involves the construction of a 6.1-mile extension of the Shining Sea Bikeway. The 10-foot wide paved bikeway will follow an existing railroad ROW from Carlson Lane to County Road. See full project change description beginning on page 3.

Date of ENF filing or publication in the Environmental Monitor: June 10, 2003

Was an EIR required? Yes No; if yes,
 was a Draft EIR filed? Yes (Date:) No
 was a Final EIR filed? Yes (Date:) No
 was a Single EIR filed? Yes (Date:) No

Have other NPCs been filed? Yes (Date(s):) No
 If this is a NPC solely for lapse of time (see 301 CMR 11.10(2)) proceed directly to
ATTACHMENTS & SIGNATURES on page 4.

PERMITS / FINANCIAL ASSISTANCE / LAND TRANSFER

List or describe all new or modified state permits, financial assistance, or land transfers not previously reviewed:

- Order of Conditions – Falmouth Conservation Commission
- \$4,000,000 from State Transportation Improvement Program (TIP) and Federal Transportation Highway Bond Bill 2004-2009 (TEA-LU)
- Long term lease from EOTC to occupy railroad ROW

Are you requesting a finding that this project change is insignificant? (see 301 CMR 11.10(6))
Yes No; if yes, attach justification.

Are you requesting that a Scope in a previously issued Certificate be rescinded?
Yes No; if yes, attach the Certificate

Are you requesting a change to a Scope in a previously issued Certificate? Yes No; if yes, attach Certificate and describe the change you are requesting:

Summary of Project Size & Environmental Impacts	Previously reviewed	Net Change	Currently Proposed
LAND			
Total site acreage	10 acres	51.1 acres	61.1 acres
Acres of land altered	0.94 acres	11.79 acres	12.73 acres
Acres of impervious area	1.74 acres	7.3 acres	9.04 acres
Square feet of bordering vegetated wetlands alteration	0	0	0
Square feet of other wetland alteration	0	0	0
Acres of non-water dependent use of tidelands or waterways	0	0	0
STRUCTURES			
Gross square footage	0	0	0
Number of housing units	0	0	0
Maximum height (in feet)	0	0	0
TRANSPORTATION			
Vehicle trips per day	0	0	0
Parking spaces	0	0	0
WATER/WASTEWATER			
Gallons/day (GPD) of water use	0	0	0
GPD water withdrawal	0	0	0
GPD wastewater generation/ treatment	0	0	0
Length of water/sewer mains (in miles)	0	0	0

Does the project change involve any new or modified:

1. conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97? Yes No
 2. release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction? Yes No
 3. impacts on Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities? Yes No
 4. impact on any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?
Yes No; if yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources? Yes No
 5. impact upon an Area of Critical Environmental Concern? Yes No
- If you answered 'Yes' to any of these 5 questions, explain below:

PROJECT CHANGE DESCRIPTION (attach additional pages as necessary). The project change description should include:

- (a) a brief description of the project as most recently reviewed
- (b) a description of material changes to the project as previously reviewed,
- (c) the significance of the proposed changes, with specific reference to the factors listed 301 CMR 11.10(6), and
- (d) measures that the project is taking to avoid damage to the environment or to minimize and mitigate unavoidable environmental impacts. If the change will involve modification of any previously issued Section 61 Finding, include a proposed modification of the Section 61 Finding (or it will be required in a Supplemental EIR).

Town of Falmouth is proposing to construct Phase III of the Shining Sea Bikeway in Falmouth, Massachusetts (Figure 1). Phase I of the bikeway was constructed in 1976 and connected the Steamship Authority Terminal in Woods Hole to Locust Street in Falmouth. Phases IIA and IIB extended the bikeway from Locust Street north to Carlson Lane in 1998. The Environmental Notification Form for Phases IIA and IIB of the proposed bikeway briefly discussed Phase III of the project to be constructed at a later date. Construction of Phase IIB (from Skating Lane to Carlson Lane/Old Palmer Avenue) has been completed. A Certificate from the Secretary of Environmental Affairs on the Environmental Notification Form (ENF) for Phases IIA and IIB cited that Phase III of the Shining Sea Bikeway project will require a Notice of Project Change (NPC) if it meets or exceeds the MEPA review thresholds for an ENF or Environmental Impact Report (EIR). The MEPA review threshold exceeded include:

- the creation of five or more acres of impervious area (301 CMR 11.03(1)(b)2),
- Alteration of Coastal Bank (301 CMR 11.03(3)(b)1.a.),
- Alteration of ½ acre or more of other wetland resource area (Land Subject to Coastal Storm Flowage) (301 CMR 11.03(3)(b)1.f.), and
- Increase the total roadway pavement width of the existing railroad right-of-way (ROW) by over 1.2 meters (4 feet) for more than 805 meters (1/2 mile) (301 CMR 11.03(6)(b)1.b.).

Phase III of the project will be constructed along an existing Executive Office of Transportation (EOT) railroad Right-of-Way (ROW), extending from the existing bikeway at Carlson Lane, north to County Road, a distance of approximately 6.1 miles. This entire stretch of rail line is inactive except for County Road south for 1,500 feet. The proposed bikeway will be constructed on the existing railroad embankment with the exception of the active portion of the railway. In this section, the bikeway will parallel south of the tracks within the ROW, separated by a chain link fence.

Phase III of the Shining Sea Bikeway will be designed and constructed in compliance with standards established by the MassHighway and will be constructed by MassHighway. This Class A bikeway will roughly parallel the West Falmouth Highway (Route 28A) through North and West Falmouth. It will consist of a 10-foot wide paved surface with 1 to 3-foot wide grassed shoulders on each side.

The proposed project will:

- Remove bicyclists and pedestrians from a portion of Route 28A, an existing designated Class C bike route along a two lane secondary route.
- Provide safe and efficient connections to destination points along the bikeway.
- Limit interaction of bicyclists and pedestrians with motorists to signed cross roads along the bikeway.
- Provide clear and concise regulatory and warning signs, protecting cyclists and pedestrians at points of conflict with public streets.

The proposed bikeway will intersect seven streets at grade. Curley Boulevard, Saconesset Road and Palmer Avenue crossings use existing bridges over the existing ROW. Appropriate signage and site distance will be established at each crossing for bicyclists and pedestrians to safely cross the intersections. The project is proposed within the EOT ROW and does not require any permanent land acquisition. Using this proposed bikeway alignment would cause the least environmental impact in sensitive areas.

Much of the project length is within upland areas along the railroad alignment and includes sections where the rail bed is in a cut section (See attached Typical Sections and Pavement Notes). In two locations, retaining walls will be constructed to hold back the cut or fill slope and avoid work outside the railroad ROW. The proposed bikeway will also cross through portions of the 100-foot buffer zone to Bordering Vegetated Wetlands and Salt Marsh associated with Little Sippewisset Marsh and Great Sippewisset Marsh and will be within Riverfront Area associated with a perennial stream that crosses the ROW between Oyster Pond and Harbor Head, south of West Falmouth Harbor. Where the bikeway is in proximity to wetlands, it will be on the existing railroad embankment and will not require filling or impacts to vegetated wetland resources. In one location, retaining walls will be used to contain the work area and prevent encroachment into wetland areas.

According to the Massachusetts Natural Heritage Endangered Species Program (NHESP) letter dated December 12, 2005, a portion of the project site is located within Priority Habitat 1666 (PH 1666). Correspondence indicates that two state-listed plants and one reptile species are found within the project limits. They include the New England blazing star (*Liatris scariosa* var. *novae-angliae*), pinnate water-milfoil (*Myriophyllum pinnatum*), and Eastern box turtle (*Terrapene carolina*). They are listed as species of Special Concern and are protected under the Massachusetts Endangered Species Act (MESA) and its implementing regulations 321 CMR 10.00. An additional population of three individuals of New England blazing star has been identified within the project limits that were not previously known by NHESP. Further review by NHESP is required to determine whether a probable "take" under MESA (321 CMR 10.18) would occur.

Interest has recently been expressed by the public to include as part of the project, the replacement and enlarging of several existing culverts under the railroad embankment to enhance tidal flushing. The project has received legislative approval and has a design and construction schedule tied to the authorization of project funding. Redesign of the culverts would require a hydrologic study and analysis of impact to neighboring land owners, which would significantly impact the design and construction schedule. The delays that would result

would jeopardize the project funding that has already been approved by the legislature and MassHighway. While enlarging the culverts and enhancing tidal flushing would provide ecological benefits, the delays from planning and design efforts could result in loss of funding for the entire project. The culvert replacement should be treated as a separate project with separate funding that can be completed at a later date. Construction impacts to the bikeway from a culvert replacement project would not be significant.

ATTACHMENTS & SIGNATURES

Attachments:

1. Secretary's most recent Certificate on this project
2. Plan showing most recent previously-reviewed proposed build condition
3. Plan showing currently proposed build condition
4. Original U.S.G.S. map or good quality color copy (8-1/2 x 11 inches or larger) indicating the project location and boundaries
5. List of all agencies and persons to whom the proponent circulated the NPC, in accordance with 301 CMR 11.10(7)

Signatures:

<u>3/14/07</u>	<u>3/14/07</u>
Date	Date
Signature of Responsible Officer or Proponent	Signature of person preparing NPC (if different from above)
<u>George Calise</u>	<u>Gene F. Crouch</u>
Name (print or type)	Name (print or type)
<u>Town of Falmouth DPW</u>	<u>Vanasse Hangen Brustlin, Inc.</u>
Firm/Agency	Firm/Agency
<u>59 Town Hall Square</u>	<u>101 Walnut Street, P.O. Box</u>
Street	Street
<u>Falmouth, MA 02540</u>	<u>Watertown, Ma 02472</u>
Municipality/State/Zip	Municipality/State/Zip
<u>(508) 495-7430</u>	<u>(617) 924-1770</u>
Phone	Phone