



Deval L. Patrick, Governor
Timothy P. Murray, Lt. Governor
Richard A. Davey, Secretary & CEO
Frank DePaola, Administrator



ENVIRONMENTAL SERVICES
25% DESIGN SUBMISSION COMMENTS

TO: Marie Rose, PE- Director of Project Management
ATTN: Michael Papadopoulos, Project Manager
FROM: Michael Trepanier- MEPA/NEPA Supervisor 
DATE: September 13, 2012
RE: *Acton- Maynard- Assabet River Rail Trail Construction
Project File #604531*

*25% Design Comments – **Approved***

The following items were available for review:

- 25% Design Plans
- Early Environmental Coordination Checklist
- 25% Water Quality Data Form- **Acton Only**
- Draft Categorical Exclusion Checklist
- Functional Design Report

The Massachusetts Department of Transportation (MassDOT) Highway Division's Environmental Services has reviewed the above referenced project for potential environmental issues. The project has been approved to proceed to Design Public Hearing. *However, the outstanding issues listed in items 2-4 must be addressed prior to or in concurrence with the 75% Design submission.*

EARLY ENVIRONMENTAL COORDINATION

1. The Designer has provided evidence of Early Environmental Coordination and has completed the Early Environmental Coordination Checklist as required by the MassDOT Project Development and Design Guide. The Designer is asked to submit copies of outstanding comment letters (if any) once received.

OUTSTANDING ISSUES

2. The project requires the preparation and approval of a Categorical Exclusion (CE) Checklist in accordance with the National Environmental Policy Act (NEPA). The Designer has provided a draft CE Checklist in PDF format. Please submit and editable (Word format) copy of the CE to Environmental Services for review and processing.
3. The Designer has submitted a 25% Water Quality Data Form (WQDF) for the proposed work in the Town of Acton. The WQDF indicates that stormwater from within the project limits enters a non-impaired water body; the Fort Pond Brook. However, the Designer has not addressed storm water issues for the Town of Maynard. Approximately 2.3 miles of the project length are within the Town of Maynard. Aerial imagery suggests that stormwater within the southern portion of the project limits will enter the Assabet River, which is an impaired water body. Please complete the WQDF for this section of the project and submit it to Environmental Services for review. The Designer is reminded that the 75% portion of the WQDF is due with the 75% Design submission.



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PLAN REQUIREMENTS

4. The Designer has not identified all wetland resource areas on the 25% construction plans. The plans do not indicate the limits of Riverfront area, 100 ft buffer zones or Bordering Land Subject to Flooding. The identification of these areas will be critical when determining the extent of impact on wetland resources. This information will also be pertinent when completing the Notice of Intent (NOI) as required by the Wetlands Protection Act. The Designer is required to identify and clearly label these areas as part of the 75% Design submission.

PROJECT COMMENTS

5. Environmental Services has reviewed the project in light of Massachusetts Environmental Policy Act Regulations (301 CMR 11.00). The project will **NOT** require the filing of an Environmental Notification Form. The project does not exceed transportation thresholds because the proposed work does not involve the construction, widening or maintenance of a "roadway". Furthermore, the project does not exceed wetlands thresholds as the work will not require a State issued permit. No further MEPA review is required at this time.
6. The project will require filing under the Massachusetts Wetlands Protection Act. Work will occur within Riverfront Area, Bordering Land Subject to Flooding, 100 ft wetland buffer zones, and directly impact Bordering Vegetated Wetlands. Therefore, the filing of a Notice of Intent (NOI) is required with both the Maynard and Acton Conservation Commissions. The Designer must submit copies of the draft NOI's to Environmental Services' Wetlands Unit prior to or in concurrence with the 75% Design submission. The Wetlands Unit will review the NOI and assist the Designer as needed. Once the Wetlands Unit has issued comments and they are adequately addressed, the Designer may file with both Conservation Commissions.
7. This project will require filing and permitting with the Army Corps of Engineers under Section 404 of the Federal Clean Water Act. This permitting is a result of the direct impact to Waters of the United States related to the bridge installation in the Town of Acton. A Section 401 Water Quality Certificate (WQC) will not be required as the Order of Conditions issued by the Acton Conservation Commission will serve as the WQC. Environmental Services will file the Section 404 permit application following the submission of the Notice of Intent.
8. This project has been reviewed in light of Section 4(f) of the DOT Act. While it is anticipated that the project will not impact any public properties held for the purposes of park land, recreation or wildlife or water fowl refuge, it does impact property owned by the Town of Acton. The address of this property is 2 Stow Street. A Town official having jurisdiction over this property must concur in writing that this property is not held for any of the aforementioned purposes. Should there be any questions regarding this matter, please contact Mark Kolonoski at 617-973-8281 or Mark.Kolonoski@dot.state.ma.us.
9. Environmental Services' Cultural Resources Unit (CRU) is completing a review of the project. It has been determined that this project will require field investigations to determine the potential for archeological resources. The Designer may be required to provide additional information in the future. Should there be any questions regarding this matter, please contact Jamie Harwood at 617-973-8480 or Jameson.Harwood@dot.state.ma.us.
10. According to the latest Massachusetts Natural Heritage and Endangered Species Program (NHESP) atlas dated 2008, the project is not within mapped estimated or priority habitat. The Designer has provided a letter sent to NHESP dated October 18, 2011 requesting confirmation that no further review is required. The Designer is asked to forward any response to Environmental Services upon receipt.



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11. This project is currently under review by Environmental Services' Hazardous Materials Unit. The HazMat Unit will provide the Designer with comments recommending specifications (if any) for the handling of hazardous waste upon the completion of their review.

The submission has been given a rating of 5 out of 10. As the project design or scope of work develops, further review will be required. If appropriate, forward us the latest edition of any plans, drawings, or the scope showing the revised project design and/or limits of work. If you have any questions, please contact Mark Kolonoski at (617) 973-8281 or Mark.Kolonoski@dot.state.ma.us.