



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>

May 29, 2009

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE

PROJECT NAME: I-93/Route 110/Route 113 Interchange Reconfiguration and Reconstruction Project
PROJECT MUNICIPALITY: Methuen
PROJECT WATERSHED: Merrimack
EOEA NUMBER: 14279
PROJECT PROPONENT: Massachusetts Highway Department
DATE NOTICED IN MONITOR: April 22, 2009

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (G.L.c.30, ss. 61-62I) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) describing two projects to provide needed short-term temporary relief for the Methuen Rotary and hereby determine that it **does not require** the preparation of an Environmental Impact Report (EIR). However, in accordance with a Certificate dated August 8, 2008, the project as a whole continues to require the preparation of a Draft EIR (DEIR). The proponent, the Massachusetts Highway Department (MassHighway) has requested a Phase I Waiver in order to allow the construction of two short-term improvement projects described below to proceed prior to submitting its DEIR. Therefore, I am also issuing a Draft Record of Decision (DROD) proposing to grant the Phase I Waiver, subject to public comment. If the Phase I Waiver is not granted, then I will reissue this Certificate on the NPC with a denial of the requested Phase I Waiver. Although I have not issued a new scope for the DEIR on account of the NPC, the DEIR should incorporate impacts from the Phase I Waiver (if granted) into the assessment of the project's cumulative impacts.

NPC Project Change Description

As described in the NPC submittal, MassHighway is proposing to proceed with the construction of two of the ten "Short-Term Improvements" described in its previously reviewed ENF submittal for the Interstate 93 (I-93)/Route 110/Route 113 Interchange Reconfiguration and Reconstruction Project prior to submitting its DEIR. Specifically, MassHighway has completed design and engineering plans and proposes to proceed with the construction of the I-93 Interchange/Exit 46 Northbound Bypass Lane project and the Route 110/Riverside Drive Traffic Signal project.

Exit 46 Northbound Bypass Lane

This short-term project involves the construction of a 12feet wide and 1,700 linear feet (lf) northbound bypass lane from the I-93 Exit 46 northbound off ramp to a point approximately 260 feet west of Heather Drive by widening the existing I-93 Exit 46 northbound off ramp by 20 feet. Bypass lane traffic will be temporarily separated from rotary traffic by jersey barriers.

Route 110/Riverside Drive Traffic Signal

MassHighway is also proposing to construct a new traffic signal and sidewalks at the Route 110/Riverside Drive intersection. This short-term project will not result in any impacts to wetlands resource areas.

Previous MEPA Review

Based on the recommendations of its May 2008 Methuen Rotary Study, MassHighway is proposing to redesign and reconstruct the I-93/Route 110/Route 113 interchange (Methuen Rotary Project) to increase mobility, reduce congestion, and improve safety and air quality. As described by MassHighway, the project is consistent with the long-term improvement recommendations of the Methuen Rotary Study, undertaken by MassHighway with input from the Study Advisory Committee (SAC), to evaluate and address transportation issues at the I-93/Route 110/Route 113 interchange and surrounding arterials in the City of Methuen. The proposed project is not intended to increase roadway capacity. As originally described in the ENF, the project involves the construction of ten Short-term Improvements and seven a long-term Permanent Improvements to the I-93/Route 110/Route 113 interchange (Alternative 3A) to provide needed short-term temporary relief and a permanent structural solution for the Methuen Rotary study area.

The project consists of the construction of the following short-term and long-term permanent improvements:

Short-term Improvements

- Clear growth on northwest quadrant to improve sight lines for vehicles exiting the rotary;
- Installation of warning signs for westbound vehicles exiting the rotary;
- Installation of traffic safety signs along Route 113 west of the rotary;
- Installation of a flashing warning light at bottom of southbound off-ramp;

- Installation of additional lighting as needed at the rotary and within the rotary area;
- Reapplication of striping and pavement markings through the rotary and its approaches;
- Installation of advance signage at all rotary approaches;
- Construction of a roadway widening to accommodate rotary by-pass lanes on three rotary approaches;
- Construction of a realignment of the westbound exit from the rotary; and,
- Construction of a new signalization at existing rotary intersections.

Permanent Improvements – Alternative 3A (Partial Cloverleaf)

- Removal of the existing rotary configuration;
- Construction of a partial cloverleaf (two loops) interchange to accommodate westbound Route 110/113 to southbound I-93 on-ramp, and I-93 northbound off-ramp to westbound Routes 110/113;
- Widening and re-alignment of western portion of Route 113 and eastern portion of Route 110 to provide continuous through-movements for Routes 113 and 110;
- Construction of improved signage and public transit information;
- Construction of improved pedestrian/bicycle amenities;
- Completion of a Type I Noise Analysis consistent with FHWA Highway Traffic Noise Abatement Policy as well as MassHighway Type I Noise Policy. If noise impacts are identified (per policy) mitigation in the form of noise barriers will be considered; and,
- Construction of transit enhancements and improvements.

MEPA Jurisdiction and Required Permits

The project is undergoing review and requires preparation of a mandatory EIR pursuant to Section 11.03(3)(a)(2), and of the MEPA Regulations because it will require a Variance in accordance with the Wetlands Protection Act (WPA). The project is also undergoing review pursuant to Sections 11.03(1)(b)(2), 11.03(3)(b)(1)(d), 11.03(6)(b)(1)(b) and 11.03(6)(b)(2)(a) of the MEPA Regulations because: it will result in the creation of five or more acres of impervious surface area; the alteration of 5,000 or more square feet (sf) of bordering vegetated wetlands (BVW); widen an existing roadway for one-half or more miles; and alter terrain ten or more feet from the existing roadway for one-half or more miles. The project will require a Section 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP). The project must obtain an Order of Conditions from the Methuen Conservation Commission or if the Order is appealed, a Superseding Order of Conditions from MassDEP. The project will require a Variance from MassDEP's Wetlands Regulations and a Construction Dewatering Permit, a Notice of Construction & Demolition, and a Notice Regarding Demolition and Construction from MassDEP. It must comply with the National Pollution Discharge Elimination System (NPDES) General Permit from the United States Environmental Protection Agency (U.S. EPA) for stormwater discharges from a construction site of over one acre. MassHighway may be required to prepare a blast design plan pursuant to the Board of Fire Protection Regulations (577 CMR 13.09) for the proposed construction of roads, semi-direct ramps and replacement bridges within the project area.

Because the project proponent is a state agency and the project involves state funding, MEPA jurisdiction is broad and extends to all aspects of the project that may cause Damage to the Environment as defined in the MEPA regulations.

REVIEW OF NOTICE OF PROJECT CHANGE

Environmental Impacts of Phase I Short-term Improvements

The majority of all proposed construction work associated with the proposed short-term improvement projects will be within the right-of-way of the state roadway layout. MassHighway has estimated that the proposed Exit 46 Northbound Bypass Lane project will result in the creation of approximately 20,000 sf of additional impervious surface area and will impact approximately 7,835 square feet (sf) of buffer zone areas to wetland resource areas. The new Route 110/Riverside Drive Traffic Signal project will not result in any impacts to wetlands resource areas.

The stormwater management system for the bypass lane project is being proposed under the Redevelopment Standard 7 of MassDEP's Stormwater Management Regulations, which applies to maintenance and improvement projects, including roadway widening of less than a single lane width. As currently designed, all drainage areas within the project corridor will be served by deep sump catch basins and conveyed to the existing stormwater management system with eventual discharge directly to the Merrimack River.

In its comments on the NPC/Phase I Waiver Request, MassDEP has indicated that the proposed stormwater management system design for the Exit 46 Northbound Bypass Lane project will need to be modified to fully comply with MassDEP's Stormwater Management Regulations. MassDEP has requested that revised information be submitted to the MassDEP staff in Boston and NERO for review prior to final design and construction. MassHighway should continue to consult with the MassDEP in the final design and construction of the proposed Exit 46 Northbound Bypass Lane project to ensure that all applicable standards have been met.. The DROD contains conditions to ensure that the stormwater impacts from the proposed Exit 46 Northbound Bypass Lane project is designed in full compliance with MassDEP's Stormwater Management Regulations.

Conclusion

Further MEPA review is required in the form of a DEIR. After review of the NPC and consultation with the permitting agencies, I propose to grant the Phase I Waiver for the two proposed Short-term Improvements described in the NPC submittal in a separate Draft Record of Decision (DROD).



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May 29, 2009

DRAFT RECORD OF DECISION

PROJECT NAME : I-93/Route 110/Route 113 Interchange Reconfiguration
and Reconstruction Project
PROJECT MUNICIPALITY : Methuen
PROJECT WATERSHED : Merrimack
EOEA NUMBER : 14279
PROJECT PROPONENT : Massachusetts Highway Department
DATE NOTICED IN MONITOR : April 22, 2009

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (G.L.c.30, ss. 61-62I) and Section 11.11 of the MEPA regulations (301 CMR 11.00), I have reviewed this Notice of Project Change (NPC) and request for a Phase I Waiver and hereby propose to grant a waiver that will allow the Massachusetts Highway Department (MassHighway) to proceed with the construction of two short-term roadway improvement projects prior to preparing the Draft Environmental Impact Report (DEIR).

NPC Project Change Description

As described in the NPC submittal, MassHighway is proposing to proceed with the construction of two of the ten "Short-Term Improvements" described in its previously reviewed ENF submittal for the Interstate 93 (I-93)/Route 110/Route 113 Interchange Reconfiguration and Reconstruction Project prior to submitting its DEIR. Specifically, MassHighway has completed design and engineering plans and proposes to proceed with the construction of the I-93 Interchange/Exit 46 Northbound Bypass Lane project and the Route 110/Riverside Drive Traffic Signal project.

Exit 46 Northbound Bypass Lane

This short-term project involves the construction of a 12-foot wide and 1,700 linear feet (lf) northbound bypass lane from the I-93 Exit 46 northbound off ramp to a point approximately 260 feet west of Heather Drive by widening the existing I-93 Exit 46 northbound off ramp by 20 feet. Bypass lane traffic will be temporarily separated from rotary traffic by jersey barriers.

Route 110/Riverside Drive Traffic Signal

MassHighway is also proposing to construct a new traffic signal and sidewalks at the Route 110/Riverside Drive intersection. This short-term project will not result in any impacts to wetlands resource areas.

Previous MEPA Review

Based on the recommendations of its May 2008 Methuen Rotary Study, MassHighway is proposing to redesign and reconstruct the I-93/Route 110/Route 113 interchange (Methuen Rotary Project) to increase mobility, reduce congestion, and improve safety and air quality. As described by MassHighway, the project is consistent with the long-term improvement recommendations of the Methuen Rotary Study, undertaken by MassHighway with input from the Study Advisory Committee (SAC), to evaluate and address transportation issues at the I-93/Route 110/Route 113 interchange and surrounding arterials in the City of Methuen. The proposed project is not intended to increase roadway capacity. The project involves the construction of a series of short-term improvements and a long-term interchange reconfiguration alternative (Alternative 3A) to provide needed short-term temporary relief and a permanent structural solution for the Methuen Rotary study area. The project consists of the construction of the following short-term and long-term permanent improvements:

Short-term Improvements

- Clear growth on northwest quadrant to improve sight lines for vehicles exiting the rotary;
- Install warning signs for westbound vehicles exiting the rotary;
- Install traffic safety signs along Route 113 west of the rotary;
- Install a flashing warning light at bottom of southbound off-ramp;
- Install additional lighting as needed at the rotary and within the rotary area;
- Reapply striping and pavement markings through the rotary and its approaches;
- Install advance signage at all rotary approaches;
- Construct a roadway widening to accommodate rotary by-pass lanes on three rotary approaches;
- Construct a realignment of the westbound exit from the rotary; and,
- Construct new signalization at existing rotary intersections.

Permanent Improvements – Alternative 3A (Partial Cloverleaf)

- removal of the existing rotary configuration;
- construction of a partial cloverleaf (two loops) interchange to accommodate westbound Route 110/113 to southbound I-93 on-ramp, and I-93 northbound off-ramp to westbound Routes 110/113;
- widening and re-alignment of western portion of Route 113 and eastern portion of Route 110 to provide continuous through-movements for Routes 113 and 110;
- construct improved signage and public transit information;
- construct improved pedestrian/bicycle amenities;
- conduct a Type I Noise Analysis consistent with FHWA Highway Traffic Noise Abatement Policy as well as MassHighway Type I Noise Policy. If noise impacts are identified (per policy) mitigation in the form of noise barriers will be considered; and,
- transit enhancements and improvements.

MEPA Jurisdiction and Required Permits

The project is undergoing review and requires preparation of a mandatory EIR pursuant to Section 11.03(3)(a)(2), and of the MEPA Regulations because it will require a Variance in accordance with the Wetlands Protection Act (WPA). The project is also undergoing review pursuant to Sections 11.03(1)(b)(2), 11.03(3)(b)(1)(d), 11.03(6)(b)(1)(b) and 11.03(6)(b)(2)(a) of the MEPA Regulations because: it will result in the creation of five or more acres of impervious surface area; the alteration of 5,000 or more square feet (sf) of bordering vegetated wetlands (BVW); widen an existing roadway for one-half or more miles; and alter terrain ten or more feet from the existing roadway for one-half or more miles. The project will require a Section 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP). The project must obtain an Order of Conditions from the Methuen Conservation Commission or if the Order is appealed, a Superseding Order of Conditions from MassDEP. The project will require a Variance from MassDEP's Wetlands Regulations and a Construction Dewatering Permit, a Notice of Construction & Demolition, and a Notice Regarding Demolition and Construction from MassDEP. It must comply with the National Pollution Discharge Elimination System (NPDES) General Permit from the United States Environmental Protection Agency (U.S. EPA) for stormwater discharges from a construction site of over one acre. MassHighway may be required to prepare a blast design plan pursuant to the Board of Fire Protection Regulations (577 CMR 13.09) for the proposed construction of roads, semi-direct ramps and replacement bridges within the project area.

Because the project proponent is a state agency and the project involves state funding, MEPA jurisdiction is broad and extends to all aspects of the project that may cause Damage to the Environment as defined in the MEPA regulations.

Summary of Potential Environmental Impacts of Phase I Short-term Improvements

The majority of all proposed construction work associated with the two proposed short-term improvement projects will be within the right-of-way of the state roadway layout. MassHighway has estimated that the proposed Exit 46 Northbound Bypass Lane project will result in the creation of approximately 20,000 sf of additional impervious surface area and will impact approximately 7,835 square feet (sf) of buffer zone areas to wetland resource areas. The new Route 110/Riverside Drive Traffic Signal project will not result in any impacts to wetlands resource areas.

The stormwater management system for the bypass lane project is being proposed under the Redevelopment Standard 7 of MassDEP's Stormwater Management Regulations, which applies to maintenance and improvement projects, including roadway widening of less than a single lane width. As currently designed, all drainage areas within the project corridor will be served by deep sump catch basins and conveyed to the existing stormwater management system with eventual discharge directly to the Merrimack River. In its comments on the NPC/Phase I Waiver Request, MassDEP has indicated that the proposed stormwater management system design for the Exit 46 Northbound Bypass Lane project will need to be modified to fully comply with MassDEP's Stormwater Management Regulations. MassDEP has requested that revised information be submitted to the MassDEP staff in Boston and NERO for review prior to final design and construction. MassHighway should continue to consult with the MassDEP in the final design and construction of the proposed Exit 46 Northbound Bypass Lane project to ensure that all applicable standards have been met.. The DROD contains conditions to ensure that the stormwater impacts from the proposed Exit 46 Northbound Bypass Lane project is designed in full compliance with MassDEP's Stormwater Management Regulations.

Waiver Request

On April 22, 2009, MassHighway requested that I grant a waiver to allow the construction of these two short-term roadway improvement projects to proceed in advance of completion of the DEIR. The waiver request was submitted with the NPC. The NPC identified the environmental impacts of these two projects, and it described the measures to be undertaken by the proponent to avoid, minimize and mitigate the project impacts.

Standards for All Waivers

The MEPA regulations at 301 CMR 11.11(1) state that I may waive any provision or requirement in 301 CMR 11.00 not specifically required by MEPA and may impose appropriate and relevant conditions or restrictions, provided that I find that strict compliance with the provision or requirement would:

- (a) result in an undue hardship for the proponent, unless based on delay in compliance by the proponent; and,
- (b) not serve to avoid or minimize Damage to the Environment.

Determinations for a Phase 1 Waiver

The MEPA regulations at 301 CMR 11.11(4) state that, in the case of a partial waiver of an EIR review that will allow the proponent to proceed with Phase 1 of the project prior to preparing an EIR, I shall base the findings required in accordance with 301 CMR 11.11(1)(b) on a determination that:

- (a) the potential environmental impacts of Phase 1, taken alone, are insignificant;
- (b) ample and unconstrained infrastructure facilities and services exist to support Phase 1;
- (c) the project is severable, such that Phase 1 does not require the implementation of any other future phase of the project or restrict the means by which potential environmental impacts from any other phase of the project may be avoided, minimized or mitigated; and,
- (d) the agency action(s) on Phase 1 will contain terms such as a condition or restriction, so as to ensure due compliance with MEPA and 301 CMR 11.00 prior to commencement of any other phase of the project.

Findings

Based upon the information submitted by MassHighway, and after consultation with the state permitting agencies, I find that the Waiver Request has merit and that MassHighway has demonstrated that the proposed project meets the standards for all waivers at 301 CMR 11.11(1). I find that strict compliance with the requirement to submit an EIR prior to completion of Phase 1 of the project would result in undue hardship for MassHighway and would not serve to avoid or minimize Damage to the Environment.

In accordance with 301 CMR 11.11(4), the latter finding is based on my determination that:

1. The potential environmental impacts of Phase I, taken alone, are insignificant:
 - The Phase I Waiver activities are comprised of two short-term roadway improvement projects that do not independently meet or exceed MEPA review thresholds for a mandatory EIR.
 - proposed Exit 46 Northbound Bypass Lane project will result in the creation of approximately 20,000 sf of additional impervious surface area and will impact approximately 7,835 square feet (sf) of buffer zone areas to wetland resource areas. The new Route 110/Riverside Drive Traffic Signal project will not result in any impacts to wetlands resource areas.
 - The short-term impacts from construction activities for the Phase I short-term improvement projects will be temporary. Short-term construction noise and dust are expected in the areas where the project is proposed. MassHighway's contractors will be required to utilize proper engine maintenance and engine mufflers to reduce noise and pollution. MassHighway will implement Best Management Practices to control construction period dust. Traffic disruptions are anticipated during construction, but the area of disturbance will be reduced to the extent possible. MassHighway will need to develop a Traffic Control Plan to identify measures to mitigate traffic impacts during the project permitting process.
2. Ample and unconstrained infrastructure facilities and services exist to support Phase I:
 - Ample and unconstrained infrastructure exists. MassHighway will be working within the right-of-way of the state roadway layout.
 - Phase I will not result in degradation of the Level of Service at adjacent roadway intersections.
 - Infrastructure improvements will include a public roadway and improved stormwater management best management practices (BMPs).
3. The project is severable, such that Phase I does not require the implementation of any other future phase of the project or restrict the means by which potential environmental impacts from any other phase of the project may be avoided, minimized or mitigated.
 - Construction of the Phase I elements will not limit the construction of additional proposed short-term and permanent rotary and roadway improvements and proposed mitigation measures.
 - Phase I elements will increase mobility, reduce congestion, and improve safety and air quality irrespective of the construction of subsequent phases of the project.

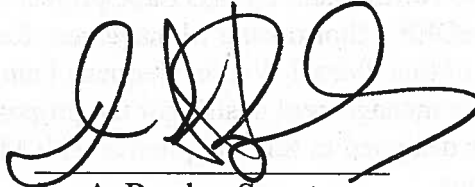
4. The Agency Action on Phase I will contain terms such as a condition or restriction in a Permit, contract or other relevant document approving or allowing the Agency Action, or other evidence satisfactory to the Secretary, so as to ensure due compliance with MEPA and 301 CMR 11.00 prior to Commencement of any other phase of the Project:
 - MassDEP has indicated that the proposed stormwater management system design for the Exit 46 Northbound Bypass Lane project will need to be modified to fully comply with MassDEP's Stormwater Management Regulations. As a condition of my approval of this Phase I Waiver Request, I am requiring that the MassHighway's stormwater management design for the proposed Exit 46 Northbound Bypass Lane project be designed in full compliance with MassDEP's Stormwater Management Regulations.
 - As described in the Secretary's Certificate on the ENF issued for this project on August 8, 2008, MassHighway must demonstrate in the DEIR the project's consistency with the analysis and mitigation provisions required as part of the EEA's GHG Emissions Policy and Protocol (GHG). The NPC indicated that the proposed short-term improvement projects have been designed to reduce congestion, and improve safety and air quality and will not result in the increased emissions of Greenhouse Gases (GHG) and therefore falls within the de minimis exception of the policy. MassHighway is not required to prepare an analysis of GHG emissions or identify measures to mitigate GHG emissions for the proposed short-term improvement projects.
 - MassHighway will comply with the above findings, and it will provide a copy of this Certificate and the Certificates issued for the ENF and Notice of Project Change (NPC) in any/all future filings and submittals to the MEPA Office for this project.

Conclusion

I have determined that this waiver request has merit, and am issuing this DROD, which will be published in the next edition of the *Environmental Monitor* on June 10, 2009 in accordance with 301 CMR 11.15(2), which begins the public comment period. The public comment period lasts for 14 days and will end on April 24, 2009. Based on written comments received concerning the DROD, I shall issue a Final Record of Decision within seven days after the close of the public comment period, in accordance with 301 CMR 11.15(6).

I hereby propose to grant the waiver requested for this project, which will allow the proponent to proceed with the proposed Short-term Improvements of the project prior to preparing a DEIR for the entire project, subject to the above findings and conditions.

May 29, 2009
Date



Ian A. Bowles, Secretary

Comments received:

- 05/22/09 Massachusetts Department of Environmental Protection (MassDEP) – NERO
- 05/26/09 Northern Middlesex Council of Governments (NMCOG)
- 05/07/09 Natural Heritage and Endangered Species Program (NHESP)

DROD #14279
IAB/NCZ/ncz



COMMONWEALTH OF MASSACHUSETTS
 EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 NORTHEAST REGIONAL OFFICE

NZ

205B Lowell Street, Wilmington, MA 01887 • (978) 694-3200

DEVAL L. PATRICK
 Governor

IAN A. BOWLES
 Secretary

TIMOTHY P. MURRAY
 Lieutenant Governor

LAURIE BURT
 Commissioner

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MAY 28 2009

MEPA

May 22, 2009

Ian A. Bowles, Secretary
 Executive Office of
 Energy & Environmental Affairs
 100 Cambridge Street
 Boston MA, 02114

RE: Methuen
 I-93 at the Route 110/113 Rotary, Interchange
 Reconfiguration and Reconstruction
 EEA # 14279

Attn: MEPA Unit

Dear Secretary Bowles:

The Massachusetts Department of Environmental Protection (MassDEP) has reviewed the Notice of Project Change submitted by the Executive Office of Transportation/MassHighway (MHD), which requested a waiver of the requirements to prepare an environmental impact report of the design and construction of a northbound bypass lane at I-93 Interchange 46 and for the construction of a traffic signal at the intersection of Route 110 and Riverside Drive. The project reviewed previously in an environmental notification form (ENF) is categorically included for the preparation of an environmental impact report (EIR); the project includes short-term improvement work alternatives to the Route 110/Route 113 Rotary at I-93, which were identified in the ENF as Packages 1, 2, and 3, and long-term alternatives, Alternative 3A and 2B (EEA #14279). The Department provides the following comments.

Wetlands

Although the wetlands impacts from the entire project may require a Variance from the provisions in the Wetlands Protection Act regulations¹, the work proposed for a waiver of an EIR in the MEPA regulations would not directly alter bordering vegetated wetlands (BVW). The project is estimated to impact 7,835 square feet of buffer zone in the vicinity of BVW wetlands, identified as wetlands C and D.

¹ If the alternative with the least impact to wetland resources can be reduced to meet the performance standards in the wetlands regulations, a Variance may not be required. Impacts have been estimated at 24,000 square feet of bordering vegetated wetlands.

Stormwater

The existing stormwater management system described in the *Stormwater Management Form* (April 2009) consists of a gutter that conveys roadway runoff to four catch basins on the southern side of the ramp. The runoff from these catch basins combines with runoff from two catch basins at the foot of the off-ramp and runoff collected by a catch basin interior to the rotary. The combined flow from the entire roadway is conveyed to a wooded swale and discharged through a single catch basin to a 48-inch concrete pipe on the east side of the roadway. This runoff ultimately is discharged into the Merrimack River.

The stormwater management system for the bypass lane is being proposed under the Redevelopment Standard 7 in the wetlands stormwater regulations, which applies to maintenance and improvement projects, including roadway widening of less than a single lane width. The NPC project proposes a new 20-foot wide bypass lane at the I-93 northbound off-ramp, which would add 20,000 square feet of imperviousness. Therefore, it appears that the stormwater management system would need to be designed for full compliance with stormwater management regulations, rather than the redevelopment standard, which allows compliance to the extent practicable. Accordingly, modifications will need to be made to the stormwater management system described conceptually in the *MassDEP Checklist for Stormwater Report*, which was submitted as supplemental information during the NPC review. MassDEP requests that this revised information be submitted to the MassDEP staff in Boston and NERO for review prior to final design and construction.

Air Quality and Greenhouse Gas

The Department's ENF comment requested that the EIR scope include information on the conformity review under the State Implementation Plan (SIP). MassDEP requests amendment of the DEIR scope to require information on MHD's process demonstrating that the project conforms to the SIP. Section 176 of the Clean Air Act Amendments of 1990, the federal Transportation Conformity Rule, and the Massachusetts Transportation Conformity regulation, 310 CMR 60.03, require that transportation plans, programs, and projects conform to the purpose and specifics of the SIP. Transportation activities must not: 1) cause or contribute to any new violation of any standard in any area; 2) increase the frequency or severity of any existing violation of any standard in any area; or 3) delay the timely attainment of any standard or any required interim emission reductions or other milestones in any area. The ENF indicates that the project will be included in a State Transportation Improvement Program, which will undergo a conformity review.

The MassDEP appreciates the opportunity to comment on this proposed project. Please contact Derek.Standish@state.ma.us in MassDEP-Boston at (617) 654-6611 on wetlands and stormwater issues, Jill.Provencal@state.ma.us in MassDEP-NERO at (978) 694-3250 for further information on the wetland issues. If you have any general questions regarding these comments, please contact Nancy.Baker@state.ma.us, MEPA Review Coordinator at (978) 694-3338.

Sincerely,



John D. Viola

Deputy Regional Director

cc: Brona Simon, Massachusetts Historical Commission
Mike Stroman, Christine Kirby, Jerome Grafe Lisa Rhodes, Derek Standish, MassDEP-
Boston
Rachel Freed, Jill Provencal, MassDEP-NERO
City of Methuen, Conservation Commission
Beverly Woods, Northern Middlesex Council of Governments, Gallagher Terminal, 115
Thorndike Street, Floor 3B, Lowell, MA 01852-3308



Northern Middlesex Council of Governments

May 22, 2009

RECEIVED

MAY 26 2009

MEPA

Ian A. Bowles, Secretary
Executive Office of Energy and Environmental Affairs
Attention: MEPA Office
100 Cambridge Street
Suite 900
Boston, MA 02114-2509

A Multi-Disciplinary
Regional Planning
Agency Serving:

RE: EOEEA #14279/NMCOG #613, Notice of Project Change (NPC):
I-93 at the Route 110/113 rotary, Exit 46, Methuen, MA

Billerica
Chelmsford
Dracut
Dunstable
Lowell
Pepperell
Tewksbury
Tyngsborough
Westford

Dear Secretary Bowles:

The Northern Middlesex Council of Governments has reviewed the Notice of Project Change (NPC) for the above referenced project submitted by MassHighway. The NPC requests a Phase I waiver to allow the construction of I-93 Interchange 46 Northbound Bypass Lane, and the signalization of the intersection of Rt. 110 and Riverside Drive, in advance of the DEIR submittal for the overall project.

The Methuen Rotary Project Advisory Committee has extensively studied this area, and the Committee, which includes representatives from the Town of Dracut and the Northern Middlesex Council of Governments, and is in favor of installing the proposed signals as expeditiously as possible. Improvements to this interchange will greatly improve traffic flow in the area, thereby having a direct benefit to the residents of Dracut and the region overall.

James G. Silva
Chair

NMCOG has received correspondence from the Town, a copy of which is attached, indicating that signalization of the intersection at Route 110 and Riverside Drive is "both critical and overdue." Allowing the expedited construction of the northbound by-pass lane will go a long way toward relieving the existing severe congestion in the area during the afternoon peak travel period. Any environmental issues related to project construction can be adequately addressed during the local and state permitting processes.

Beverly A. Woods
Executive Director

40 Church Street, Suite 200
Lowell, MA
01852-2686

Should you have any questions regarding the NMCOG staff comments, please feel free to contact me directly at 978-454-8021, extension 20.

TEL: (978) 454.8021

FAX: (978) 454-8023

www.nmcog.org

Sincerely,

Beverly Woods
Executive Director

CC: Town of Dracut:

Board of Selectmen

Town Manager

Town Engineer

Town Planner

Planning Board

DPW Director

Conservation Commission

Board of Health

NMCOG Councilors

Kevin Walsh, Director of Environmental Services, MassHighway

Memorandum

Date: 5/1/2009

To: NMCOG; care of George Russell

From: Glen Edwards, Dracut Town Planner

RE: Notice of Project Change, Routes 110 and 113 and Interstate 93 Rotary,
Methuen, MA EOEA #14279, NMCOG #613

Having served on the initial Advisory Design Study Committee and continuing to serve on the Advisory Committee for the Massachusetts Highway Department's Methuen Rotary Project, it has and continues to be my view that a traffic signal at Riverside Drive and Route 110 is both critical and overdue. This intersection operates at a level of service F. That this traffic improvement was proposed to be addressed in the "short-term", by the original study committee, represented a major reason that I supported the comprehensive proposal.

Second, your consideration of allowing expedited construction of the proposed northbound bypass lane for the benefit to public safety is appreciated. Currently, the weekday afternoon rush-hour traffic backs up onto Interstate 93. The proposed bypass lane should reduce both the number and the potential for rear-end crashes resulting from this back-up. The bypass lane is needed now to relieve the existing severe congestion.

Given that there may be problems/obstacles/challenges that may emerge and in-turn could delay the comprehensive proposal, it is requested that MEPA approve both the project change for the traffic signal and the project change for the northbound bypass lane.

GE/gae



MassWildlife

Commonwealth of Massachusetts

Division of Fisheries & Wildlife

Wayne F. MacCallum, Director

May 6, 2009

Ian A. Bowles, Secretary
Executive Office of Environmental Affairs
Attention: MEPA Office, EOEEA # 14279
100 Cambridge St.
Boston, Massachusetts 02114

RECEIVED

MAY 7 - 2009

MEPA

Project Name: Route 110/113 Interchange Reconfiguration and Reconstruction
Proponent: Massachusetts Highway Department
Location: Route 110/113 at I-93, Methuen
Document Reviewed: Notice of Project Change
NHESP Tracking No: 06-19275

Dear Secretary Bowles:

The Natural Heritage & Endangered Species Program (NHESP) of the MA Division of Fisheries & Wildlife (DFW) has reviewed the Notice of Project Change (NPC) for the proposed Route 110/113 Interchange Reconfiguration and Reconstruction. The NPC describes the proposed design and construction of two Short-Term Improvements identified in the Environmental Notification Form (ENF), for which the NHESP provided comments to the Massachusetts Highway Department in July 2008. The proposed Short-Term Improvements include the design and construction of an I-93 Interchange #46 Northbound Bypass Lane and the installation of new traffic signals at the intersection of Route 110 and Riverside Drive. With regard to the proposed Short-Term Improvements, the NHESP would like to offer the following comments regarding state-listed rare species and their habitats.

The NHESP has determined that the proposed Short-term Improvements are either not located within Priority or Estimated Habitat or otherwise do not require additional NHESP review provided there will be no alteration of naturally vegetated areas within the 200' Riverfront Area.

To update its 2008 assessment of the entire proposed project, the NHESP has specifically determined that portions of this project are within *Priority Habitat # 1321 and #65* and *Estimated Habitat #374 and #263* as indicated in the *Massachusetts Natural Heritage Atlas (13th edition, 2008)*. Specifically, the proposed project intersects regulated habitat in two distinct areas. The rotary reconfiguration at the eastern end of the project area is within the habitat of *Bald Eagle (Haliaeetus leucocephalus)*, which is state-listed as *Endangered*. Portions of the project area along Route 113 in Dracut and Methuen are within the habitat of the *Wood Turtle (Glyptemys insculpta)* and *Blanding's Turtle (Emydoidea blandingii)*, which are respectively state-listed as of *Special Concern* and *Threatened*, respectively.

The NHESP has provided additional comments to the Massachusetts Highway Department, the Massachusetts Department of Environmental Protection, and the US Army Corps of Engineers in an "Early Coordination" framework in the winter of 2009.

www.masswildlife.org

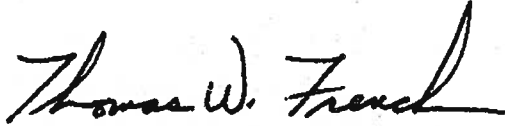
Division of Fisheries and Wildlife

Field Headquarters, North Drive, Westborough, MA 01581 (508) 389-6300 Fax (508) 389-7890

An Agency of the Department of Fish and Game

We appreciate the opportunity to comment on this project. If there are any questions about the NHESP portion of this letter, please contact Michael T. Jones, Endangered Species Review Biologist, at (508) 389-6386.

Sincerely,

A handwritten signature in black ink that reads "Thomas W. French". The signature is written in a cursive, flowing style.

Thomas W. French, Ph.D.
Assistant Director

cc: E. Ryan McNeil, MassHighway
Derek Standish, DEP
Methuen Conservation Commission

