

# Berkshire Regional Planning Commission Clearinghouse Review Report

July 2, 2009

**SUBJECT:** Reconstruction of Tyringham Road  
**EOEA#:** 14426  
**LOCATION:** Lee  
**ESTIMATED COST:** \$4 million  
**REVIEW TYPE:** ENF  
**PROPONENT:** Town of Lee  
**COMMENTS DUE:** 7-10-09

## PROJECT DESCRIPTION:

The proposed project involves the reconstruction of approximately a 1.85-mile section of Tyringham Road in Lee. The section to be reconstructed involves the road from the junction of Route 102 southward to the Tyringham town line. The roadway improvements include pavement reclamation along the majority of the road segment length, with some short segments of full-depth reconstruction. The paved road width, which currently varies from 21 to 23 feet, will be widened in some sections to a more uniform width of 22 feet. The roadway corridor will be widened to accommodate uniform shoulders of two feet on each side, new guardrails and their associated setbacks, and gabion retaining walls to stabilize steep slopes. Construction will occur entirely within the existing road right-of-way. The project is at the 25% design level and will soon proceed through the public review process.

The project is proceeding through MEPA as it exceeds thresholds for wetlands, rare species and shade tree removal. The project as proposed does not meet the requirements for an EIR. The ENF states that the project is eligible to receive financial assistance from MassHighway for a yet-undetermined amount, but the project is ranked very low on the regional Transportation Improvement Program so funding in the near future is unlikely. However, the town hopes to receive American Recovery and Reinvestment Act funding, therefore all issues are open for review. Review or permits required for the project include a local Order of Conditions, a 401 Water Quality Certification, a 404 Army Corps Permit, and MESA review.

## CONSIDERATIONS AND POTENTIAL ISSUES:

### Land

The current width of the open roadway corridor varies between 35-50 feet in width. This includes travel lane width of 20-22 feet with little or no shoulder, and a drainage ditch along the eastern/upland side. The paved travel lanes of the improved road will essentially remain the same width, but the roadway corridor itself will be widened to accommodate an increased setback needed for new guardrails and where gabion walls will be installed to stabilize steep slopes. Although not stated in the text, it appears from the typical section details (Sheet 3 of 16), that the cleared roadway corridor will be at least 40 feet in width. Drivers may tend to travel faster on the improved road as it will have a wider, more open feel to the corridor, especially with its new smooth surface. To reduce the chances of speeding vehicles, the proponent should take all available opportunities to maintain the existing width of the road and maintain as much tree canopy as possible.

BRPC Clearinghouse Committee members and BRPC staff are concerned that the gabion retaining walls will reduce the rural, scenic qualities of the roadway. We believe it is appropriate for the proponent to consider ways to soften the look of the gabions, perhaps by designing the

## **Berkshire Regional Planning Commission Clearinghouse Review Report**

gabions to support native vines or other overhanging vegetation. The proponent stated at the site visit that they expect to conduct a geotech study to determine more exactly where gabion walls will be needed. BRPC supports this offer so that gabion walls will be constructed only where absolutely necessary to stabilize severe slopes.

### Wetlands, Riverfront and Floodplain

The project will temporarily impact almost 12,000 square feet (sf) and permanently impact approximately 1,200 sf of bordering vegetated wetlands (BVW), and permanently impact 56,750 sf of riverfront. The temporary impacts are mostly for construction-related clearing, while the permanent impacts are due to wider shoulders, new guardrails and gabion walls. The majority of BVW impacts involve drainage ditches that have been colonized by wetland vegetation. These ditches will be improved and replanted with wetland vegetation to serve as vegetated swales. Permanent BVW loss will be in areas where gabion walls will be installed to stabilize slopes. The proponent has stated that it will replicate wetland loss at a 1:1 ratio, but that the site and design of the replication have not yet been determined.

Many of the existing guardrails are failing, and the new guardrails are designed to have a wider and uniform 4-foot setback from the road, thus increasing the overall footprint of the road corridor. The ENF states that wetland impacts would be “avoided or reduced substantially” by replacing guard rails at the existing distance, but the consultant stated at the site visit that the wider setback distance is required by AASHTO. If possible, a reduced setback should be considered, especially where the road runs closely along the Housatonic River and associated wetlands. The proponent believes that the project meets the redevelopment criteria provisions within the Rivers Protection Act, but does not explain this reasoning. Although we agree that some aspects of this project meet the criteria, we do not believe that the project meets all the criteria. There is no offer to replicate or otherwise mitigation the permanent 1.3 acres of impacts to riverfront.

Possible PCB contamination of the river was not raised as an issue in the ENF. Much of the river and its floodplains are known to be contaminated, and many sections have been tested. BRPC believes that the proponent should investigate this issue, either review existing test results or conduct new tests, to be sure that contamination does not become an issue that could later delay construction of the project.

Lateral movement of a meandering river or stream such as the Housatonic River is a concern where roadways are located so closely along its banks. There is at this time no analysis done to document or understand the historic lateral movement of the river in this area, which could help to predict future movement. It may be prudent to analyze historic and potential future movement to ensure that the reconstructed road is designed to withstand the impacts of any such movement.

### Stormwater

Stormwater currently runs off the west side (the river side) of the road as sheet flow, and is channeled through vegetated swales / ditches on the east side (the upland side) and discharged westward. The proposed stormwater conveyance system will generally remain the same, with some improvements. Deteriorating culverts will be replaced with like-sized replacements, and vegetated swales will be maintained or improved along much of the upland side of the road. Asphalt swales will replace vegetated swales where gabions will be installed. Deep sump catch basins will be employed for slightly improved sediment capture, and stones will be placed at discharge outlets to reduce erosion. These improvements are appropriate. The ENF does not

## **Berkshire Regional Planning Commission Clearinghouse Review Report**

mention development of an Operations & Maintenance (O&M) Plan for new stormwater management structures.

### Shade Trees

The project will require the removal of approximately 28 public shade trees. The ENF does not summarize where these trees are located, but the consultant indicated at the site visit that many of the trees slated for removal are those along the river's side of the road. There is no plan at this time to replant trees along this area. BRPC is concerned that removal of roadside vegetation and mature trees will open the roadway corridor and result in greater travel speeds.

### Rare Species

The vast majority of the project area is within Priority and Estimated Habitat areas for rare species. The rare habitat areas are located along the Housatonic River and its adjacent wetlands. The proponent has requested information about the rare species from the Natural Heritage & Endangered Species Program, but had not received the information prior to the ENF's publication. BRPC was provided with a listing the rare species on June 29<sup>th</sup>, and the list includes species that would typically inhabit rivers and/or wetlands. It is unknown at this time if the project will require a MESA permit. It is unfortunate that the proponent did not contact the NHESP sooner, so that potential impacts and possible mitigation could have been discussed as part of this ENF filing. It should be noted that gabion retaining walls are not suitable riparian habitat and restrict the movement of many species of wildlife.

### Transportation Impacts

The current conditions – the rough, patched pavement and the close roadside vegetation – serve as traffic calming conditions. The redesign project includes some widening of the roadway corridor to accommodate improved shoulders and new guardrails. The road setback will be two feet wide, and this will require a design exception from the typical four-foot minimum. Vegetation, including mature trees, will be removed to accommodate the setbacks and to allow heavy equipment during construction. Traffic volume is not expected to increase, but we suspect that traffic speed will increase slightly due to improved pavement conditions and a wider, more open corridor.

There are no plans to construct sidewalks in the northern section of the road, to create a safer pedestrian or bicycle route from the First Street / Third Street residential neighborhood. It would be appropriate to consider such improvements in this area, as the neighborhood is in close proximity to restaurants and convenience stores along Housatonic Street and beyond.

The road design does not include dedicated bicycle lanes, but the improved shoulders are being proposed as bicycle improvements. This is appropriate, given the low number of residents in the vicinity and given the fact that the fairly recently improved section of this road in neighboring Tyringham did not include bicycle lanes. Also, additional widening to accommodate bicycle lanes would significantly increase impacts within riverfront.

### Consistency with Local & Regional Plans

The ENF states that the project is generally consistent with the *Regional Plan for the Berkshires* but does not cite any specific goal or policy. There is no question that this section of Tyringham Road is in need of repairs, but BRPC does have concerns about the post-construction width and appearance of the road, because protecting water resources and travel corridors that exhibit scenic and natural qualities are clearly stated policies within the regional plan.

## **Berkshire Regional Planning Commission Clearinghouse Review Report**

The Lee Tyringham Road reconstruction project is not programmed into the Berkshire Regional Transportation Improvement Program. It is listed as a project in the Supplemental List, but it has the lowest ranking of all projects on that list. As such, it is unlikely to receive TIP funding in the near future. Designing pedestrian and/or bicycle improvements into the northern section of the road, in the First/Third Street neighborhood, may increase the score of the project, but would probably not increase it enough to allow it to be programmed into the TIP.

### **COMMENTS AND RECOMMENDATIONS:**

The BRPC has outstanding concerns regarding the design of the project, but we believe that these concerns can be addressed through the upcoming public participation process and the permitting processes. In general, the proponent should make every attempt to restrict the widening of the open roadway corridor (which includes pavement, shoulder, guardrail and setbacks) and limit the use of gabions to minimize alteration and disturbance in riverfront and to maintain the scenic, rural character of the road. The proponent should calculate and explain in more detail impacts to wetland resources areas and their proposal to mitigate and/or replicate those impacts, but we believe that these outstanding issues can be rectified in the wetland permitting process.

Regarding rare species, the proponent should have requested information from NHESP in a more timely manner so that impacts and possible mitigation could have been discussed as part of the MEPA review process. If the rare species are identified as ones that will be impacted by the widening of the road or the installation of the gabions, the proponent should file a Notice of Project Change under the MEPA process. Depending on the species, it may be appropriate to assign an environmental monitor to the project to ensure that rare species are protected throughout the construction phase of the project.

Notwithstanding the rare species issue, BRPC finds that the ENF, along with the supplemental information provided by the proponent, sufficiently represents the environmental impacts of the road project and that no further MEPA review is required. We do however respectfully ask the proponent and the Secretary to consider these recommendations:

- We encourage the proponent to conduct further data collection and soil analysis to determine precisely where cut and fill and gabions will be needed, especially within BVW and riverfront areas.
- Consider ways to soften the look of the gabion walls, perhaps by designing them to support native vines or other overhanging vegetation.
- Mature trees that are removed to accommodate construction along the west side of the road should be replaced where feasible, most notably where the roadway follows the Housatonic River. Replacement tree species should be similar to those removed and consist only of species native to the area. To increase rate of tree regrowth, some of the trees being planted should be of a size and maturity of at least 5'-6'. We recognize that trees cannot be replanted atop gabions.
- Wetland replication for loss of riverfront should be considered as part of an overall wetland mitigation plan.
- Additional information should be sought regarding possible PCB contamination and to determine the future lateral movement of the river, especially its possible movement towards the reconstructed road.
- Install Share the Road (with bicyclists) signs to alert drivers that bicyclists may be on the road.

## **Berkshire Regional Planning Commission Clearinghouse Review Report**

- The proponent should develop and execute a plan to control and remove invasive plant species along the length of the project, especially in the restored wetlands and along the portion that runs alongside the Housatonic River. This should include a monitoring and control period of at least two years.
- An O&M Plan should be developed for the improved stormwater management structures to ensure proper function, including wetland vegetation management for the vegetated swales.
- The proponent should consider adding a sidewalk or other ped/bike improvement to the northern section of the road to provide a safer link between the residential neighborhood and nearby amenities.

Draft comments were amended by the Clearinghouse Review Committee on June 29 and approved as amended by the Executive Committee on July 2, 2009.