



# CAPE COD TIMES

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## State gives go-ahead to rail trail extension in Wellfleet

By [Mary Ann Bragg](#)

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WELLFLEET — The state’s top environmental regulator has given the green light to the two-mile extension of the Cape Cod Rail Trail farther into Wellfleet but acknowledged that safety issues may require design changes.

“The project may proceed to permitting,” state Energy and Environmental Affairs Secretary Matthew Beaton wrote in his Jan. 4 certificate for the environmental notification form submitted by state Department of Conservation and Recreation planners.

Beaton’s approval comes as momentum is building among residents concerned about the proposal, particularly those questions about safety. A community meeting about safety concerns, specifically on the northern end of the extension at Route 6, is planned for Monday evening at the town’s senior center.

[Environmental Notification ...](#) by on Scribd



Charles D. Baker  
GOVERNOR  
Karyn E. Polito  
LIEUTENANT GOVERNOR  
Matthew A. Beaton  
SECRETARY

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*Executive Office of Energy and Environmental Affairs*  
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January 4, 2019

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS  
ON THE  
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Cape Cod Rail Trail Extension  
PROJECT MUNICIPALITY : Wellfleet  
PROJECT WATERSHED : Cape Cod  
EEA NUMBER : 15944  
PROJECT PROPONENT : Department of Conservation and Recreation (DCR)  
DATE NOTICED IN MONITOR : November 21, 2018

Pursuant to the Massachusetts Environmental Policy Act (MEPA; M.G. L. c. 30, ss. 61-62) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** an Environmental Impact Report (EIR).

Project Description

As described in the Environmental Notification Form (ENF), the project consists of the construction of a 2.13-mile long extension of the Cape Cod Rail Trail (CCRT) between LeCount Hollow Road and Route 6 in Wellfleet. The paved multi-use trail is proposed to be 10 feet (ft) wide with two-ft wide grassed shoulders on either side. In order to provide access to four abutting single-family homes, a 12-ft wide gravel driveway is proposed to extend parallel to the proposed multi-use path north of LeCount Hollow Road for approximately 1,600 linear feet (lf). A five-ft revegetated shoulder with a cedar fence is proposed between the driveway and the multi-use path. Wooden guard rails are required in some locations along the path where grades moderately descend. Coir logs and/or biodegradable jute mesh will be utilized in combination with revegetation in select locations to stabilize denuded slopes. A new 0.3-acre access and parking area is proposed off of Route 6. The parking area will consist of 33

EEA# 15944

ENF Certificate

January 4, 2019

parking spaces, including two van accessible handicap spots, a retaining wall along the westerly boundary, and a subsurface drainage infiltration system. An area for benches, bike racks, and a portapotty will be located at the trail connection off of the southerly end of the proposed parking area. Additionally, improvements to the existing parking lot off of LeCount Hollow Road are proposed. These include reconfiguration of the trailhead to facilitate bike/pedestrian flow along the eastern extent of parking lot before connecting to a new path extension and crossing at LeCount Hollow Road; a shift and expansion of the entrance to the LeCount Hollow Road parking to increase separation between vehicles and bikes/pedestrians; and a minimal shift and expansion of the existing paved parking spots.

I received several comments from individuals regarding safety of the proposed trail terminus and parking lot at Route 6. The CCRT is intended to ultimately connect with a proposed multi-use, shared path along Route 6 associated with the Massachusetts Department of Transportation (MassDOT) Route 6/Main Street Intersection Improvement Project (#3607397). MassDOT comments indicate that there it

“Their current plan is flawed and should be improved to create a safer and more scenic path,” meeting organizer and resident Rebecca Noble said.

About 25 citizens, including Noble, weighed in on the bike and pedestrian trail plan that Beaton was considering, but most comments were about the trail design rather than its effect on the environment. Only a handful of commenters were fully in favor of the 10-foot-wide hardened path planned through the woods on an old railroad bed from LeCount Hollow Road to Route 6.

“Granted some of our native species will be impacted,” Richard Mazza wrote in a Dec. 14 email to state environmental analyst Everose Schluter. “How many turtles are killed by cars on our roads?”

One commenter hoped the new bike trail would stop off-road vehicle destruction of natural resources, while another person asked that the path be narrowed to reduce tree loss and better protect scenic views, wildlife and vernal pool inhabitants.

“We spent many hours planning my home to honor the environmental concerns of the Massachusetts Endangered Species Act,” Audrey Haas wrote in a Dec. 9 email to Schluter.

That included siting the house and building a fence to protect the endangered box turtles, Haas wrote.

“It would seem that the bike path project, as well as the extension, should be required to be at least, if not additionally, more thoughtful and respectful of the same community and environmental concerns,” she wrote.

The Wellfleet Conservation Commission approved the state plan Dec. 19, issuing an order of conditions that requires a vegetation plan because of the project’s removal of trees and shrubs, as well as a stormwater mitigation plan that prevents runoff into Blackfish Creek. No appeal of the Jan. 9 order of conditions has been received, Wellfleet Health and Conservation Agent Hillary Greenberg-Lemos said. Any appeal would need to be made within 10 business days of when the order was issued.

The project is expected to harm both Eastern box turtles and Common’s Panic-grass, species protected by state law, according to Beaton and the Dec. 19 determination by Thomas French, the assistant director for the state Natural Heritage and Endangered Species program. The “take” of a state-listed species — such as killing an animal or plant or disrupting its habitat — can be allowed under a negotiated permitting process, French said.

For the grass, the harm is due to the permanent loss of suitable habitat and the direct loss of known Common’s Panic-grass individuals, according to French. In response, project contractors will transplant and monitor the species before construction, protect the plant during construction and implement a habitat management plan after construction, according to Beaton.

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**From:** [Paulson, David \(DWF\)](#)  
**To:** [Schluter, Eve \(EEA\)](#)  
**Subject:** Cape Cod Rail Trail Extension ENF (15944/05-17376)  
**Date:** Friday, December 21, 2018 12:00:19 PM  
**Attachments:** [Wellfleet\\_05-17376\\_NOI.pdf](#)

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Secretary Matthew Beaton  
 Executive Office of Environmental Affairs  
 Attention: MEPA Office  
 Eve Schluter, EEA No. 15944  
 100 Cambridge St. Suite 900  
 Boston, Massachusetts 02114

Project Name: Cape Cod Rail Trail Extension  
 Proponent: Department of Conservation and Recreation  
 Location: DCR ROW –LeCount Hollow Road Parking Lot to Route 6  
 Document Reviewed: Environmental Notification Form  
 EEA No.: 15944  
 NHESP No: 05-17376

Dear Secretary Beaton:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the Division) has reviewed the Environmental Notification Form for the proposed Cape Cod Rail Trail Extension and would like to offer the following comments regarding state-listed rare species and their habitats.

The Division has determined that this project, as proposed, will result in a Take (321 CMR 10.18 (2) (b)) of the Eastern Box Turtle due to the permanent loss of suitable habitats and interference with the feeding, breeding, sheltering, over-wintering and migratory activities of this species. The Division has also determined that this project, as proposed, will result in a Take (321 CMR 10.18 (2)(b)) of Common's Panic-grass due to the permanent loss of suitable habitat and the direct loss of known Common's Panic-grass individuals.

Projects resulting in a Take of state-listed species may only be permitted if the project and proposed mitigation meet the standards for issuance of a Conservation and Management Permit (CMP) (321 CMR 10.23). In order for a project to qualify for a CMP, the project proponent must (1) avoid and minimize impacts to state-listed species to the greatest extent practical, (2) demonstrate that an insignificant portion of the local population will be impacted or that no viable alternative exists, and (3) develop and implement a conservation and management plan that provides a long-term net benefit to the conservation of the local population of the impacted species. The Proponent has been in consultation with the Division and it is anticipated that the Project will meet the performance standards of a Conservation and Management Permit (CMP) (321 CMR 10.23)

We appreciate the opportunity to comment on this project. If you have any questions about this letter, please contact David Paulson, Endangered Species Review Biologist, at (508) 389-6366 or

For the turtles, the harm will occur due to the permanent loss of suitable habitats and interference with the animals' feeding, breeding, sheltering, over-wintering and migratory activities, according to French. The state recreation planners are expected to ask for a long-term net benefit program that would allow the harm in Wellfleet to occur onsite while improving turtle habitat offsite at other state-owned lands, according to Beaton.

The project planners are expected to apply for and receive a conservation and management permit, Beaton said.

State officials are expanding the 22-mile Cape Cod Rail Trail farther into Wellfleet but also westward from South Dennis, with a goal of connecting pathways and greenways across Cape Cod. The \$2 million set aside for the

Wellfleet project is part of the state Department of Conservation and Recreation's annual capital improvement plan, a state spokeswoman said. Any funds for the project that aren't spent in the current fiscal year will roll over into the next one, she said.

In a Dec. 24 letter to Beaton, Cape Cod Commission Deputy Director Patty Daley said the agency supports the project and the environmental analysis but encourages mitigation and preservation plans for the rare grass and turtles, and stormwater controls. Daley encouraged state recreation planners to coordinate with state transportation officials to provide a safe experience for bicyclists and pedestrians at the Route 6 intersection, where a 33-space parking lot for bicyclists and other trail users is planned as well.

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