



Cape Cod Bridges Program

Bourne, Massachusetts

Appendix 5.4 Section 4(f) *De Minimis* Determination for Use of South Sagamore Area

SUBMITTED TO:
Federal Highway Administration
Massachusetts Division
220 Binney Street, 9th Floor
Cambridge, MA 02142

PROPONENT:
The Massachusetts Department of
Transportation
Highway Division
10 Park Plaza
Boston, MA 02116

Submitted June 2026

massDOT
Massachusetts Department of Transportation

Table of Contents

1 Introduction 1

2 Description of South Sagamore Area 2

3 Description of Impacts, Use, and Section 4(f) Determination..... 2

4 Coordination and Consultation..... 3

5 Conclusion and Approval..... 3

Attachments

- Attachment 1: Section 106 Effect Determination
- Attachment 2: Documentation of Consultation with Consulting Parties

Acronyms and Abbreviations

Acronym/Abbreviation	Definition
CFR	Code of Federal Regulations
FHWA	Federal Highway Administration
MassDOT	Massachusetts Department of Transportation
NRHP	National Register of Historic Places
Program	Cape Cod Bridges Program
SHPO	State Historic Preservation Officer
USDOT	U.S. Department of Transportation

1 Introduction

As a U.S. Department of Transportation (USDOT) financially supported transportation program through the Federal Highway Administration (FHWA), the Cape Cod Bridges Program (Program) is subject to the regulatory requirements of Section 4(f) of the USDOT Act of 1966 (USDOT Act), as amended.¹

Section 4(f) of the USDOT Act, commonly referred to as Section 4(f), protects publicly owned parks, recreation areas, and wildlife and waterfowl refuges of national, state, or local significance, or any publicly or privately owned historic site listed or eligible for listing in the National Register of Historic Places (NRHP) from “use” by transportation projects that receive funding from or require approval by an agency of the USDOT. FHWA’s regulations for implementing Section 4(f) are available at Title 23 Code of Federal Regulations (CFR) 774.

As part of the Build Alternative, the Massachusetts Department of Transportation (MassDOT) is proposing shared-use paths and a sidewalk within the NRHP-eligible South Sagamore Area (BOU.V). Additionally, proposed work within the NRHP-eligible historic district would include fee takings, permanent utility easements, and temporary occupancies on the parcel occupied by the Massachusetts Historical Commission (MHC)-inventoried Keith Car Company (Canal View) Apartments (BOU.328, BOU.329, BOU.330, and BOU.331), a contributing resource to the NRHP-eligible South Sagamore Area. To avoid an adverse effect on historic resources, existing mature trees would be protected during construction and, following construction completion, areas that were temporarily used would be restored and landscaping would be implemented. Accordingly, FHWA has determined that the Program would have “no adverse effect” on the NRHP-eligible South Sagamore Area under 36 CFR part 800. The Massachusetts State Historic Preservation Officer (SHPO) concurred with FHWA’s determination on June 22, 2026.

Based on SHPO’s concurrence, FHWA has determined that the proposed use of the NRHP-eligible South Sagamore Area would be *de minimis*. For historic sites, under 23 CFR 774.17, a *de minimis* impact means that FHWA has determined, in accordance with 36 CFR part 800, that no historic property is affected by the project or that the project will have “no adverse effect” on the historic property in question. Appendix 5.4 documents FHWA’s determination in accordance with Section 4(f) and FHWA’s implementing regulations.²

¹ 49 United States Code (USC) Section 303, 23 USC 138

² This appendix has been newly prepared for the Final Environmental Impact Statement and was not part of the Draft Environmental Impact Statement; therefore, “New Text” formatting style has not been applied.

2 Description of South Sagamore Area

FHWA has determined that the South Sagamore Area in the town of Bourne, Massachusetts is eligible for listing in the NRHP. The South Sagamore Area is included in MHC's Inventory of Historic and Archaeological Assets of the Commonwealth (MHC Inventory), which is provided online as the Massachusetts Cultural Resources Information System as BOU.V. It consists of an approximately 55-acre linear area along Sandwich Road in Bourne, Massachusetts. The Sandwich Road area is densely developed. The South Sagamore Area includes residential, institutional, ecclesiastical, and commercial uses, and extends from Adams Street (including the property on Sandwich Road directly west of Adams Street) east to the Sandwich town line (approximately one mile). Side streets in the area include Adams and Westdale Streets.

The residential, ecclesiastical, and institutional structures were constructed from the mid-18th through the 20th centuries. Many of the residential properties were constructed from the late 19th through the early 20th centuries as worker houses for the Keith Car & Manufacturing Company, the largest employer in Bourne at the time. The Keith Car & Manufacturing Company manufactured wooden railroad freight cars for domestic use and import, famously delivering a shipment of 40,000 freight cars to the French government during World War I. The company went out of business in 1928, and the factory buildings were demolished in the 1930s during the second expansion of Cape Cod Canal. The workers' houses, such as the Keith Car Company Apartments at 860 Sandwich Road, are all that remain of this important manufacturer. At the time of the MHC's inventory, which was conducted in June 2000, 27 properties (some with multiple structures) were included in the South Sagamore Area data table, and of that total, eight properties were determined to be potentially individually eligible for inclusion in the NRHP.

3 Description of Impacts, Use, and Section 4(f) Determination

Based on preliminary design, proposed work within the NRHP-eligible South Sagamore Area (BOU.V), which includes the MHC-inventoried Keith Car Company (Canal View) Apartments at 860 Sandwich Road, consists of the following:

- Construction of a shared-use path along the north side of Sandwich Road within the state highway layout, originating west of the historic district and proceeding east to Keith Field Recreation Area (861 Sandwich Road, a non-contributing property).
- Construction of an approximate 300-foot-long shared-use path along the western and northern boundaries of Keith Field Recreation Area to south Canal Service Road,
- Construction of a sidewalk on the south side of Sandwich Road from U.S. Route 6 east to the existing sidewalk fronting the Keith Car Company Apartments.
- Reconstruction of the existing sidewalk.

MassDOT also would require fee takings, permanent utility easements, and the temporary use of land on the parcel occupied by the Keith Car Company Apartments for the proposed work and installation of highway lighting and signage.

To avoid an adverse effect on the South Sagamore Area, MassDOT would protect existing mature trees in front of the Keith Car Company Apartments during sidewalk reconstruction, and, upon construction completion, MassDOT would landscape the north side of Sandwich Road fronting the Keith Field Recreation Area parcel and restore temporary use areas to conditions equal to or better than those existing prior to the Program. As a result, FHWA has determined that there would be no adverse effect to the South Sagamore Area from the Program. SHPO concurred with FHWA's determination on June 22, 2026.

By its definition (23 CFR 774.17), a finding of "no adverse effect" to the South Sagamore Area would result in a Section 4(f) *de minimis* impact determination. Under FHWA's Section 4(f) implementing regulations, consideration of avoidance alternatives is not required for a *de minimis* impact determination.

4 Coordination and Consultation

In accordance with 36 CFR 800.5(b), FHWA has requested, and SHPO has provided, written concurrence that the Program would avoid an adverse effect to the NRHP-eligible South Sagamore Area. Per the coordination requirements required for a *de minimis* impact determination, 23 CFR 774.5(b)(1), FHWA has also consulted with the Consulting Parties and received written concurrence from SHPO that the Program would have "no adverse effect" on the South Sagamore Area.

Attachment 1 provides SHPO's written concurrence with FHWA's Effect Finding.

Per 23 CFR 774.5(b)(1)(iii), public notice and comment, beyond that required by 36 CFR part 800, is not required prior to FHWA making a *de minimis* impact determination for historic properties.

5 Conclusion and Approval

Prior to making a *de minimis* impact determination for the Program's activities within the South Sagamore Area, FHWA must complete the following actions, as directed in 23 CFR 774.5:

- **Consult with the Consulting Parties identified in accordance with 36 CFR 800.**

Documentation of consultation with Consulting Parties and coordination among FHWA, SHPO, and the Advisory Council on Historic Preservation (ACHP) is provided in **Section 4.16, Cultural Resources**, and Attachment 2. As noted in **Attachment 2**, on July 3, 2025, ACHP declined to further participate as a Consulting Party. In accordance with the requirements of 36 CFR 800.6(b)(1)(iv), the executed Programmatic Agreement will be filed with ACHP.

- **Receive written concurrence from SHPO and ACHP in the finding of “no adverse effect” on the South Sagamore Area in accordance with 36 CFR part 800.**

FHWA has consulted with SHPO regarding the proposed finding of “no adverse effect” to the South Sagamore Area, including its intent to make a *de minimis* impact determination based on SHPO’s concurrence with the finding of “no adverse effect” to the NRHP-eligible historic district. SHPO has concurred with MassDOT’s finding of “no adverse effect” to the South Sagamore Area (**Attachment 1**).

Accordingly, FHWA has determined and documented herein that the transportation use of the Section 4(f) property would result in a *de minimis* impact, thereby completing the Section 4(f) evaluation process.