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

PROJECT NAME : The Shoppes at Harrington Farms  
PROJECT MUNICIPALITY : Shrewsbury  
PROJECT WATERSHED : Sudbury  
EEA NUMBER : 14158  
PROJECT PROPONENT : Retailscapes, LLC  
DATE NOTICED IN MONITOR : December 24, 2007

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **requires** the preparation of an Environmental Impact Report (EIR).

Project Summary

The proposed project consists of the two-phased development (Phase A,B) of 101,400 sf (sf) of commercial retail and restaurant space in four separate buildings on a 24.80-acre site located on Route 9 and South Street in Shrewsbury. Phase A of the project includes two separate 26,400 sf commercial retail buildings and 234 surface parking spaces. Phase B includes one 42,084 sf commercial retail building, a separate 6,500 sf (200 seat) restaurant building and 223 surface parking spaces. The project will generate approximately 6,850 new vehicle trips per day (tpd), and includes construction of a total of 457 new surface parking spaces. Potable water use and wastewater generation is estimated in the ENF at 11,744 gallons per day (gpd) and will be served by the Town of Shrewsbury. The project will result in the creation of approximately 8.5 acres of new impervious area. The proponent proposes one site drive on South Street and two separate site drives on Route 9. The project's internal roadway plan calls for a wetland crossing to connect the Phase A and Phase B developments.



### Permits and MEPA Jurisdiction

The project is undergoing MEPA review and is subject to a mandatory EIR pursuant to Section 11.03(6)(a)(6) because it involves generation of 3,000 or more new average daily trips (adt) on roadways providing access to a single location. The project is also undergoing MEPA review pursuant to Section 11.03(6)(b)(15) because the project will result in the construction of 300 or more new parking spaces at a single location. The project requires an Access Permit from the Massachusetts Highway Department (MassHighway) for access to Route 9, and a U.S. Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Permit for stormwater discharges from a construction site of over one acre. The project will require a Section 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP). The project may need a Section 404 Programmatic General Permit (Category II) from the U.S. Army Corps of Engineers (USACOE). An Order of Conditions will be required from the Shrewsbury Conservation Commission for work within a resource area. The project also requires an air quality mesoscale analysis for ozone to assess the total volatile organic compounds (VOC) and nitrogen oxides (NOx) emissions associated with all project-related vehicle trips.

The proponent is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction applies to those aspects of the project within the subject matter of required, or potentially required, state permits that have the potential to cause damage to the environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to transportation, wastewater, wetlands and stormwater.

## SCOPE

### General

The proponent should prepare a Draft EIR (DEIR) in accordance with the general guidance for outline and content found in Section 11.07 of the MEPA regulations as modified by this Scope. The DEIR should include a copy of this Certificate and a copy of each comment letter received. The DEIR should include a project summary, update on Phase I, and maps and plans to facilitate review and comment.

### Project Description and Permitting

This section should provide updates to the project description and discuss project phasing, if appropriate. The DEIR should provide updates on the status of each state permit or agency action required, or potentially required, for the project, and the project's ability to meet applicable performance standards. The DEIR should include an update on the local permitting process, particularly with respect to any state highway issues discussed.

### Alternatives Analysis

The proponent may carry forward its Preferred Alternative into the DEIR. According to the comments received from MassDEP, the proponent will also need to conduct an analysis of project design alternatives to avoid, minimize and mitigate the project's impacts to wetlands resource areas, and improve the project's stormwater management plan. As I have noted elsewhere in this Certificate, I strongly encourage the proponent to respond to MassDEP's comments and to explore additional opportunities to further reduce the project's impacts to wetland resources located within and adjacent to the project site.

### Transportation

The ENF included a traffic study that generally conforms to the EEA/EOT Guidelines for Traffic Impact Assessment. Using the Institute of Traffic Engineers Trip Generation **land use code 820 - Shopping Center**, the project is estimated to generate a total of approximately 6,850 new vehicle trips on the average weekday. The traffic study addressed the proposed full build-out (Phase A and B) for the Shoppes at Harrington Farm project. The ENF includes the following proposed traffic mitigation measures:

- geometric modifications to widen the southbound approach to the Route 9/South Street intersection to provide an exclusive left-turn lane, a shared through/left-turn lane, a shared through left-turn lane, and an exclusive right-turn lane;
- geometric modifications to widen the westbound approach to the Route 9/South Street intersection to provide an exclusive right-turn lane, two thru lanes and an exclusive left-turn lane; and,
- traffic signal phasing and timing modifications for the Route 9/South Street intersection.

In their comments, MassHighway has recommended that the proponent extend the traffic study area to include the Boylston Street/Grafton Street (Route 140)/Main Street intersection. The DEIR should include a revised capacity analysis for the Route 9/South Street intersection that documents the actual value to traffic operations from any proposed mitigation. MassHighway has requested that the proponent also review the project's impacts to the signalized Main Street/South Street intersection and propose appropriate mitigation. The DEIR must respond to the comments received from MassHighway.

The DEIR should discuss the suitability of any signalization improvements and any roadway widening, and a traffic signal warrant analysis for any proposed traffic signals. It should discuss right-of-way (ROW) implications of possible widening and describe how such ROW's would be acquired. Any plans for the major reconstruction of the roadways in the study area should be discussed in the DEIR. The DEIR should describe how the proponent's proposed mitigation plan will accommodate each phase of the project.

The DEIR should identify the proponent's coordination efforts with local area neighborhoods, proponents of other project area developments, MassHighway, the Town of Shrewsbury and the Central Massachusetts Regional Planning Commission (CRMPC). The proponent must work closely with MassHighway's Public/Private Development Unit and the District 3 Office, and to successfully resolve design issues for the overall traffic mitigation plan proposed for the project.

#### Transportation Demand Management (TDM) Plan

The DEIR should include a proposed Transportation Demand Management (TDM) plan for employees and patrons of the Shoppes at Harrington Farms project. The proponent's proposed TDM plan should consider incorporating measures for reducing project generated vehicle trip generation including:

- the appointment of an Employee Transportation Coordinator (ETC);
- the use of staggered employee work hours;
- the implementation of an employee ride-matching program (carpooling and vanpooling) program;
- the implementation of a "Guaranteed Ride Home" program for employees;
- work closely with the Worcester Regional Transit Authority (WRTA), the Town of Shrewsbury and others to extend existing bus service (Route #15) and/or alternate transportation to the project site;
- promote the use of on-site amenities including employee direct deposit banking;
- install bicycle amenities including secured bicycle storage racks at each building;
- bicycle shoulders along site driveways; and,
- construct sidewalks along site driveways and along South Street and Route 9.

All project tenants and businesses should be required to participate in the proposed TDM plan. The TDM plan should describe any monitoring necessary to ensure the success of the program. The DEIR should demonstrate the proponent's commitment to implement, monitor, and continuously fund a proposed TDM plan.

#### Transit

The proponent should continue discussions with the Worcester Regional Transit Authority (WRTA), and any other transit providers, and local area businesses in Shrewsbury to identify opportunities for providing curb-to-curb WRTA transit service, and car/vanpool service to the project site. I strongly encourage the proponent to identify opportunities to incorporate transit amenities including bus shelters and bus stops in closer proximity to proposed buildings to be located within the project site. The DEIR should include an update of the proponent's discussions with WRTA and others for providing existing MBTA bus service to the project site.

#### Pedestrian and Bicycle Facilities

The DEIR should describe the internal vehicular and pedestrian circulation plan for the project site at the completion of the proposed project. The DEIR should show on a reasonable scaled map of the project site, where the proponent proposes new sidewalks, pedestrian crossings and vehicle/pedestrian safety signage. The proponent should discuss the feasibility of providing a sidewalk along the project's site driveways, and along the east side of South Street and north side of Route 9.

I strongly encourage the proponent to continue to evaluate the feasibility of traffic, transit, pedestrian, and bicycle improvements within the project area in response to the regional and local traffic concerns that may arise out of the proposed mixed-use development project.

#### Greenhouse Gas Emissions Policy and Protocol

This project is subject to the EEA Greenhouse Gas Emissions Policy and Protocol, and the DEIR must demonstrate consistency with the analysis and mitigation provisions therein.

The Policy is available on-line at

<http://www.mass.gov/envir/mepa/pdffiles/misc/GHG%20Policy%20FINAL.pdf>.

The proponent should calculate and compare GHG emissions associated with: 1) a code-compliant baseline (the sum of direct emissions from stationary sources and indirect emissions from energy consumption and transportation); 2) the preferred alternative (the sum of direct emissions from stationary sources, indirect emissions from energy consumption, and transportation for the project as proposed); and 3) project alternatives with greater GHG emissions-related mitigation than the preferred alternative. When comparing the preferred project alternative to other alternatives with greater GHG reduction, the proponent should explain which alternatives were rejected, and the reasons for rejecting them. The GHG alternatives analysis should clearly demonstrate consistency with the objectives of MEPA review, one of which is to document the means by which the proponent plans to avoid, minimize or mitigate damage to the environment to the maximum extent feasible. The proponent should fully explain any trade-offs inherent in the evaluation of GHG reduction measures, such as increased impacts on some resources to avoid impacts to other resources. I note that the proponent is required to quantify mitigation benefits. The Appendix to the Policy contains a partial, non-exhaustive list of measures to reduce GHG emissions and incorporate sustainable development techniques.

#### Wetlands

According to the information provided in the ENF submittal document, the project will result in permanent impacts to approximately 4,438 sf of Bordering Vegetated Wetlands (BVW) to accommodate the construction of one of two retail buildings (Building "B") in Phase A, and the proposed internal roadway wetlands crossing to connect the Phase A and Phase B developments. As illustrated in the project site plan included in the ENF, the project will also result in the alteration of the 100 ft wetlands buffer area resulting from site grading and roadway construction, buildings, and stormwater management infrastructure. The DEIR should identify the 100ft wetlands buffer area and describe the project's impacts to wetland buffer.

In their comments, the MassDEP has indicated that under the currently proposed project design, a significant portion of Building B is located within BVW and will result in the isolation and subsequent loss of BVW within the project site in excess of 5,000 sf. According to MassDEP, the proposed project does not appear to meet the performance Standards under the Wetlands Protection Regulations pursuant to 310 CMR 10.55 (4)(b). The proponent should respond to MassDEP's comments.

The DEIR should include an analysis of design alternatives to avoid, minimize and mitigate impacts to BWV resource areas. The proponent should also examine methods of avoiding or minimizing encroachment into the 100-foot wetland buffer area.

As described in the ENF, on November 11, 2007, the Shrewsbury Conservation Commission issued an Order of Resource Area Delineation indicating that the project site contains additional BVW resource area located within the western half (Phase A) portion of the property and protected under the Wetlands Protection Act. As currently proposed, the proponent's preferred development scenario involves the elimination of this additional wetland resource area. Questions regarding the jurisdictional status of this wetland resource area are included in the proponent's appeal currently before the Division of Administrative Law Appeals (DALA).. The

The Wetland Section of the DEIR should contain an alternatives analysis to ensure that all wetland impacts are avoided, and where unavoidable impacts occur, impacts are minimized and mitigated. The DEIR should provide an accurate measurement of the wetland resource areas that will be affected by the project. The DEIR should include a reasonably scaled plan that accurately depicts all wetlands resource areas that have been delineated in the field, surveyed and mapped. The DEIR should incorporate DALA's findings and determination into a preferred development scenario design. In the event that the proponent elects to submit the DEIR document prior to DALA's decision, the DEIR should further evaluate one alternative development scenario that maintains the additional wetland resource area as a BVW resource area, along with a development scenario that proposes to remove the existing additional wetland resource area. The DEIR should contain additional information for MassDEP to evaluate the proponent's efforts to avoid or minimize the potential environmental impacts resulting from each proposed development alternative. The DEIR should discuss the consistency of the proponent's alternative development scenarios with any Variance requirements under the Wetlands Protection Act (310 CMR 10.05 (10) or the Variance provisions of the 401 Water Quality Certification for Fill Projects in Waters and Wetlands pursuant to section 314 CMR 9.08. The proponent should consult with the Shrewsbury Conservation Commission and MassDEP to investigate alternative site designs and layouts that maximize undisturbed buffers around wetland resource areas.

For any amount of required wetlands replication, a detailed wetlands replication plan should be provided in the DEIR that, at a minimum, includes: replication location(s) delineated on plans, a list of wetlands plant species of areas to be altered and the proposed wetland replication species, planned construction sequence, and a discussion of the required performance standards and monitoring. MassDEP is recommending a replication rate greater than 1:1.

### Stormwater

According to the proponent, the proposed commercial retail project's stormwater management system has been designed to comply with MassDEP's Stormwater Management Policy and Guidelines and will incorporate the use of hooded deep sump catch basins to convey stormwater runoff to one or more on-site underground detention basins.

The DEIR should include a detailed description of the proposed project's stormwater management plan. It should be demonstrated that source controls, pollution prevention measures, erosion and sediment controls, and the post-development drainage system will be designed in compliance with MassDEP's Stormwater Management Policy (SMP), and the revisions, which will be incorporated into the wetlands and 401 Water Quality Certification regulations on January 2, 2008. The DEIR also should explain how water quality and quantity impacts would be controlled in compliance with the stormwater standards. The Proponent should use the MassDEP Stormwater Management Handbook when addressing this issue.

The DEIR should demonstrate that the design of the drainage system is consistent with this policy's standards for water quality, recharge to groundwater, and peak runoff impacts, and with the Town of Shrewsbury's Storm Water Program and its National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Construction General Permit (CGP). If the proponent ties into an existing municipal stormwater system or the MHD system, the DEIR should clarify the permits required and if there will be a recharge deficit on-site. In addition, a maintenance program for the proposed drainage system will be needed to ensure its effectiveness. This maintenance program should outline the actual maintenance operations, sweeping schedule, responsible parties, and back-up systems. The DEIR should investigate feasible methods of reducing the project's impervious surfaces to increase the points of infiltration within the project site.

I note that new Stormwater Management regulations have been promulgated, effective January 2, 2008, that require the proponent to evaluate sustainable design alternatives such as Low Impact Development (LID) techniques in site design and stormwater management plans. LID techniques incorporate stormwater best management practices (BMPs) and can reduce impacts to land and water resources by conserving natural systems and hydrologic functions. The primary tools of LID are landscaping features and naturally vegetated areas, which encourage detention, infiltration and filtration of stormwater on-site. Other tools include water conservation and use of pervious surfaces. Clustering of buildings is an example of how LID can preserve open space and minimize land disturbance. LID can also protect natural resources by incorporating wetlands, stream buffers and mature forests as project design features. For more information on LID, visit <http://www.mass.gov/envir/lid/>. Other LID resources include the national LID manual (Low Impact Development Design Strategies: An Integrated Design Approach), which can be found on the EPA website at: <http://www.epa.gov/owow/nps/lid/>.

### Water Supply

The potable and fire protection water supply needs for the Shoppes at Harrington Farms project (approximately 11,000 gpd) will be served by the Town of Shrewsbury's municipal water supply system. As described in the ENF, the water supply for the project's proposed irrigation system will be provided by the proponent's proposed construction of new on-site private wells. The DEIR should include a description of the proposed irrigation system for the project. I strongly encourage the proponent to incorporate water conservation and water use efficiency in the project design to comply with the March 1989 state plumbing code.

Specifically, the proponent should commit to employing efficient commercial water conservation technologies for the project including water saving devices, low flow toilets, and low flow appliances (dishwashers, washing machines).

### Wastewater

As described in the ENF, the project's wastewater flows (11,000 gpd) will be conveyed from the project site via Shrewsbury's sewer collection system to the City of Westborough's wastewater treatment facility (WWTF) for treatment and disposal to the Assabet River.

### Construction Period Impacts

The DEIR should include a construction mitigation plan to satisfactorily address the project's potential impacts to local businesses and nearby residential neighborhoods from construction-related project impacts including traffic, noise and dust. I strongly encourage the proponent to consult with MassDEP, and the Town of Shrewsbury, and to meet with local area residential neighbors from the project area during the design of the proponent's construction mitigation plan. I ask that the proponent consider requiring its contractors to use On-Road Low Sulfur Diesel (LSD) fuel in their off-road construction equipment that can increase the removal of particulate matter (PM) by approximately 25% beyond that which can be removed by retrofitting diesel-powered equipment. All construction-related refueling and equipment maintenance activities should be conducted under cover on impervious surface areas with containment, and outside of any wetlands resource areas, endangered species habitat areas, residential areas and wellhead protection areas. The proponent should also commit to specific TDM measures that can be implemented during construction.

### Mitigation/Section 61

The DEIR should include a separate chapter on mitigation measures. It should develop transportation and parking demand management measures to reduce single passenger automobile trips to the project and encourage ridesharing to the site by employees. The DEIR should include any conceptual plans for roadway improvements with sufficient detail to verify the feasibility of constructing such improvements. The plans should show proposed lane widths and offsets, layout lines and jurisdictions, and the land uses (including access drives) adjacent to areas where improvements are proposed. The DEIR should state whether land takings are necessary to implement proposed improvements and should identify the party responsible for such takings. Any proposed mitigation within the state highway layout must conform to MHD standards, including but not limited to, lane, median and shoulder widths, bicycle lanes and sidewalks.

This chapter on mitigation should include a Draft Section 61 Finding for all state permits. The Draft Section 61 Finding should contain a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation, and the identification of the parties responsible for implementing the mitigation.



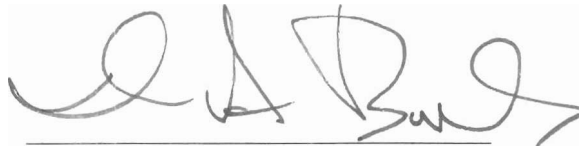
A schedule for the implementation of mitigation, based on the proposed construction phases of the project and approved by MassHighway, should also be included. I urge the proponent to participate in any discussions and studies, which evaluate the feasibility of traffic, transit, pedestrian, and bicycle improvements within the project area.

Comments

The DEIR should respond to the comments received to the extent that they are within MEPA jurisdiction and present any additional narrative or quantitative analysis necessary to respond to the comments received.

Circulation

The DEIR should be circulated to all who submitted commented on the ENF as listed below, to the Town of Shrewsbury, to any agency from which the proponent may require a permit or approval, and to others as required by Section 11.16 of the MEPA regulations. A copy of the DEIR should also be made available for public review at the Shrewsbury Public Library.



Ian A. Bowles, Secretary

January 23, 2008  
DATE

Comments Received

- 01/10/08 Department of Environmental Protection (MassDEP) – CERO
- 01/14/08 Executive Office of Transportation (MassHighway)

IAB/NCZ/ncz  
EEA #14150