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January 29, 2007

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME: Avalon Shrewsbury
PROJECT MUNICIPALITY: Shrewsbury
PROJECT WATERSHED: Assabet River
EOEA NUMBER: 13406
PROJECT PROPONENT: Moss Development Inc. (Originally Avalon Bay Communities, Inc.)
DATE NOTICED IN MONITOR: December 23, 2006

As Secretary of Environmental Affairs, I hereby determine that the Final Environmental Impact Report (FEIR) submitted for this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00). On December 15, 2006, I issued a Certificate on the Draft Environmental Impact Report (DEIR) that allowed the DEIR to be reviewed as a FEIR in accordance with 301 CMR 11.08(8)(b)(2). My decision on the DEIR was noticed in the *Environmental Monitor* on December 23, 2006 along with the notice of availability of the FEIR, which was subject to a 30-day comment period.

MEPA History

In November 2004, Avalon Bay Communities, Inc. filed an Expanded Environmental Notification Form (EENF) for a proposed mixed-use development that included 264 residential apartments; 10,000 square feet (sf) of retail space; a 7,000 sf day-care center; and associated internal roadways, parking and utilities. The project site is located on the southern side of Route 20 west of Walnut Street in Shrewsbury, MA. The project was subject to review pursuant to Section 11.03(6)(b)(14) of the MEPA regulations because it was anticipated to generate more than 1,000 new average daily trips (ADT) and to create more than 150 new parking spaces at a single location. The project required an Access Permit from the Massachusetts Highway Department (MHD); a Sewer Connection Permit from the Department of Environmental Protection (MassDEP); and an Order of Conditions from the Shrewsbury Conservation

Commission. On December 30, 2004, the Secretary of Environmental Affairs issued a Certificate on the EENF stating that the project did not require the preparation of an EIR.

In July of 2006, the proponent filed a Notice of Project Change (NPC) describing changes to the project including a reduction in the number of apartment units; an increase in the size of the specialty retail space; and substitution of a Dunkin Donuts store and bakery for the day care center. These changes result in an increase in the expected site traffic generation to a level above 3,000 trips per day. According to the NPC, the addition of the Dunkin Donuts facility will result in a net increase of 1,273 new trips to the site, for a total of 3,740 trips as compared to the 2,467 trips reported in the EENF. The Certificate on the NPC dated August 25, 2006 issued a narrow scope for a Draft EIR that requested additional information to demonstrate that the project's additional traffic impacts could be accommodated on the state highway system. The proponent filed the DEIR in November of 2006.

Jurisdiction

The project is projected to generate is 3,740 new daily vehicle trips, and is therefore subject to the preparation of a mandatory EIR pursuant to Section 11.03(6)(a)(6) of the MEPA regulations. A Massachusetts Highway Department Access Permit is required for access to Route 20. The project as described in the EENF also required a Sewer Connection Permit from the Department of Environmental Protection and an Order of Conditions from the Shrewsbury Conservation Commission. The proponent is not seeking financial assistance from the Commonwealth, and therefore MEPA jurisdiction extends to those aspects of the project that may cause significant Damage to the Environment and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction extends to issues of land alteration, stormwater, wetlands, wastewater and transportation. The Certificate on the NPC acknowledged that many of the potential environmental impacts that could result from the project have already been reviewed at the local and state level. Therefore, the scope for the DEIR was limited to traffic issues.

Review of the EIR

The EIR provided an updated description of the project, which, as currently proposed will include 251 apartment units, 16,230 sf of specialty retail and a 5,500 sf Dunkin Donuts fast food restaurant/bakery. The Dunkin Donuts building comprises 2,600 sf of restaurant space and a 2,900 sf bakery. Two curb cuts are proposed at Route 20. Each will include one entering lane and two exiting lanes. Following MEPA review of the EENF, the project received a MassHighway Access Permit (#3-2005-0029) in May of 2005. The proponent has requested a permit modification since the filing of the NPC. The project received an Order of Conditions from the Shrewsbury Conservation Commission in May of 2005 and has received all required approvals from the Shrewsbury Planning Board and Zoning Board of Appeals. The residential component of the project is now under construction and partially occupied.

The EIR provided a Traffic Impact and Access Study (TIAS) that is an update of an earlier study prepared for the project as outlined in the EENF. The EIR concludes that the change in land use outlined in the NPC increases the expected number of new vehicle trips at the site driveway but due to the nature of traffic generated results in a slight decrease in the volume of

new trips generated on the adjacent roadway system.

The proponent has committed to a range of mitigation measures to address the project impacts on the state highway system. The mitigation measures include:

- Widening Route 20 from two lanes to four lanes adjacent to the project site to match the existing four-lane section east of Walnut Street. The widening will accommodate a second westbound lane and an eastbound deceleration and acceleration at the project site drive. These traffic mitigation measures have already been constructed.
- The western access driveway will be widened from 30 feet to 36 feet to accommodate two exiting lanes and one entering lane. Signalization is proposed at an existing intersection along Route 20 east of the site. This proposed signal and an existing signal at South Street and Green Street west of the site will help introduce gaps in the Route 20 traffic stream to benefit traffic turning left from existing unsignalized side streets and the site driveways.

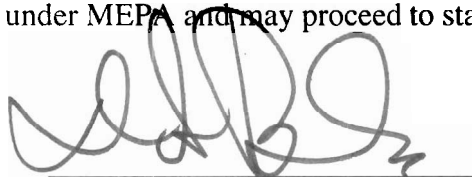
In their comments on the DEIR, the Executive Office of Transportation (EOT) stated that the proponent's commitment to widen Route 20 to a four-lane cross section will adequately address the project's traffic impacts along the Route 20 corridor. In response to comments from EOT, the proponent should initiate conversations with the regional transit authority regarding the possibility of bus service to the site.

Conclusion

The EIR has adequately assessed potential project impacts and committed to measures that will avoid, minimize and mitigate adverse impacts. The EIR has also adequately responded to the issues raised in the scope of August 25, 2006. I am satisfied that the proponent has met its obligations under MEPA jurisdiction, and that the state permitting agencies, MHD, has sufficient information on which to base their Section 61 Findings. The permitting agencies should forward a copy of the final Section 61 Findings to the MEPA office for completion of the project field. I refer the proponent, state agencies and others to the Certificate on the DEIR for additional details on mitigation commitments and recommendations regarding the proposed project. The proposed project requires no further review under MEPA and may proceed to state permitting.

January 29, 2007

Date



Ian A. Bowles

1/22/2007 Executive Office of Transportation

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