



The Commonwealth of Massachusetts

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February 10, 2006

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

PROJECT NAME : Retail Pharmacy
PROJECT MUNICIPALITY : Ware
PROJECT WATERSHED : Chicopee
EOEA NUMBER : 13711
PROJECT PROPONENT : G. B. New England 2, LLC
DATE NOTICED IN MONITOR : January 11, 2006

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 **does not require** the preparation of an Environmental Impact Report (EIR).

As described in the Environmental Notification Form (ENF), the project consists of the construction of a 12,900 square foot retail/pharmacy on a 6.67 acre site located at 104 West Street (Route 32) in Ware. The project includes associated parking, access drives and other infrastructure, including a stormwater management system. A traffic signal will be installed at the intersection of West Street with Vernon Street and the site driveway. The project site is abutted by the Ware River to the south, an auto sales/service building to the east and a house to the west. The site has been cleared and graded previously and includes a small paved and gravel parking area on its northern edge. Resource areas located on and adjacent to the site include Riverfront Area, Bordering Land Subject to Flooding, Land Under Water Bodies and Waterways (LUWW), Bank, Bordering Vegetated Wetlands (BVW) and Isolated Vegetated Wetlands. According to the Department of Fish and Game's (DFG) Natural Heritage and Endangered Species Program (NHESP), the site is located within Priority Habitat for the Creeper (*Strophitus undulates*), Triangle Floater (*Alasmidonta undulata*) and the Brook Floater/Swollen Wedge Mussel (*Alasmidonta varicosa*).

The project is undergoing MEPA review pursuant to Section 11.03 (3)(b)(1)(f) because it requires a state permit and will alter ½ or more acres of any other wetlands. The project requires a Superseding Order of Conditions (SOC) from the Department of Environmental Protection (DEP).¹ The project may require a Conservation and Management Permit from NHESP. Because the proponent is not seeking financial assistance from the Commonwealth, MEPA jurisdiction is limited to the subject matter of required permits. These include wetlands, drainage and rare species.

To avoid impacts to riverfront area and rare species, the project will not include any discharges within 200 feet of the Ware River. To mitigate project impacts, the project includes a restoration plan for the riverfront area that consists of re-vegetation of previously disturbed areas with native vegetation. NHESP has indicated that, conditioned on completion of these mitigation measures, the project will not result in a prohibited "take" of rare species and will not require a Conservation and Management Permit. Because the site is located within the 100-year flood zone, DEP has indicated that, consistent with the provisions of the Wetlands Protection Act (WPA), the proponent must provide compensatory flood storage (310 CMR 10.57). Specifically, the proponent will be required to provide storage for areas of fill within the floodplain between elevations 399 and 404.5.

The review of the ENF has served to adequately disclose the potential impacts and mitigation associated with this project. Based on the information in the ENF and after consultation with relevant public agencies, I find that the potential impacts of the project are not significant enough to warrant the preparation of an EIR. Outstanding issues will be addressed through the state permitting process. No further MEPA review is required.

February 10, 2006

Date


Stephen R. Pritchard

Comments received:

1/31/06	Department of Environmental Protection Western Regional Office (DEP WERO)
1/24/06	Department of Fish and Game's (DFG) Division of Fisheries and Wildlife (DFW)
1/30/06	Pioneer Valley Planning Commission (PVPC)

SRP/CDB/cdb

¹ The ENF indicates, incorrectly, that an Access Permit from the Massachusetts Highway Department (MHD) is required for the project. MHD jurisdiction does not extend to the section of Route 32 where the project is located; therefore, no MHD permit is required.