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February 22, 2008

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

PROJECT NAME : Proposed Mixed-Use Development  
PROJECT MUNICIPALITY : Taunton  
PROJECT WATERSHED : Taunton River  
EEA NUMBER : 14172  
PROJECT PROPONENT : R.J. Kelly Companies  
DATE NOTICED IN MONITOR : January 23, 2008

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.03 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 involves development of a mixed use project consisting of an 81-room hotel and restaurant with up to 200 seats and approximately 160,000 square feet (sf) of light industrial space. The hotel portion of the project has received Conservation Commission and Zoning Board of Appeals (ZBA) approval for the project site. The project is located on a 42-acre parcel of land, which is generally bounded by Route 140 to the north, Route 24 to the east, railroad tracks to the south, and a commercial development to the west. The project is expected to generate 2,592 vehicle trips on an average weekday.

The project is undergoing review pursuant to Section 11.03 (1)(b)2., Section 11.03 (6)(b)13 and Section 11.03 (6)(b)15 of the MEPA regulations, because the project will create five or more acres of impervious area, generate 2,000 or more New additional trips per day on roadways providing access to a single location and construct 300 or more New parking spaces

at a single location. The project requires an Access Permit from the Massachusetts Highway Department (MHD) for access onto Route 140 and Route 24. The project will also require an Order of Conditions from the Taunton Conservation Commission (and a Superseding Order of Conditions from Massachusetts Department of Environmental Protection (MassDEP) if the Order is appealed), and a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the U.S. Environmental Protection Agency (U.S. EPA).

The proponent for the project requested a Phase I waiver in order to proceed with the first phase portion of the project, which includes the development of the hotel and restaurant. However, the project as currently proposed in the ENF does not trigger the mandatory thresholds for the preparation of an Environmental Impact report and therefore does not require the issuance of a Phase I waiver.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that may have significant environmental impacts and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction exists over land, transportation, wetlands and stormwater.

### Transportation

The ENF indicated that the project would generate approximately 2,592 vehicle trips per day and create 470 new parking spaces for a total of 580 parking spaces. The project proponent has been in consultation with MHD in advance and during the MEPA review process. However, in its comment letter, the Executive Office of Transportation (EOT)'s MHD has expressed some concerns regarding the impact that this project will have on the already congested Route 140 roadway segment given the site's close proximity to Route 24, as well as the constraints of the railroad crossing that is located to the west of the site. MHD has also expressed concerns with the possible impacts to MHD's Route 140 safety project as well as any future improvements to Route 24/Route 140 interchange.

As part of first phase of this project, the proponent has committed to formalizing the right-turn lane for the Route 140 southbound movement which will extend from the Industrial Drive to Route 24 and constructing an exclusive left-turn lane from Route 140 into the site drive. However, MHD has indicated that traffic operations will remain at an unfavorable level-of-service even with these improvements in place.

I note that MHD is planning to implement the Route 140 Safety project that will affect access to this project. The proponent is reminded, as MHD as indicated to the proponent during consultation sessions, that plans for this safety project include the installation of a median that will prohibit left-turn into and out of the site. Therefore, I am requesting that as mitigation for this project, that the proponent should provide the environmental documents necessary for the safety project as indicated by MHD. Furthermore, since access to the site will be affected by the safety project, the proponent should initiate discussions with the City of Taunton, as well as the owners of the Quebecor facility, to develop a plan to access Mozzone Boulevard, which will

provide signalized access to Route 140. In addition, a railroad crossing will be required for this project. The proponent must contact the rail owners and operators in order to plan a crossing.

Prior to the issuance of an Access Permit for this project, the proponent must provide MHD with a clear commitment in regards to the mitigation issues raised in MHD's comment letter. I advise the proponent to continue to work with EOT and MHD District 5 and to consult with the Southeastern Regional Planning & Economic Development District, who has also raised specific concerns in their comment letter.

### Wetlands and Stormwater

The proposed hotel site part of the project has received an Order of Conditions from the Taunton Conservation Commission (DEP File No. SE 73-2020) issued March 14, 2005. Unless the local Order is extended pursuant to 310 CMR 10.05(8)(a) through (d), MassDEP has indicated in their comment letter that the Order will expire on March 14, 2008. The proponent also indicates that Notice of Intent filings will be required for the restaurant at the entrance and the industrial building components of the project within areas subject to jurisdiction under the Wetlands Protection Act in order to obtain Orders of Condition. No direct impacts to wetland resource areas are being proposed or anticipated at this time.

According to the proponent MassDEP Stormwater Management Standards are met for the hotel site. I note, however, that the entire project, both Phases, must be designed and constructed in accordance with MassDEP Stormwater Management Guidelines. In addition, any new Notice of Intent filing will be subject to the revised Massachusetts MassDEP Stormwater Management Standards that became part of the Regulations on January 2, 2008. MassDEP has requested that the future submittals should include the approved site plan of record and details of both the approved and proposed Stormwater Management Systems at all locations. The proponent may also need to provide additional information regarding stormwater management to the Taunton Conservation Commission during the Notice of Intent review process under Massachusetts Wetlands Protection Act.

I strongly encourage the proponent to evaluate sustainable design alternatives such as Low Impact Development (LID) and High-Performance/Green buildings that can serve to avoid or minimize potential environmental impacts. Such alternatives may also reduce project development and long-term operational costs.

Specifically, I encourage the proponent to consider LID techniques in site design and storm water management plans. The LID techniques can incorporate stormwater 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/>.

I also strongly encourage the proponent to consider high-performance/green building and other sustainable design measures to avoid and minimize environmental impacts. Such measures may include:

- Leadership in Energy and Environmental Design (LEED) certification;
- water conservation and reuse of wastewater and stormwater;
- use of renewable energy;
- ecological landscaping;
- optimization of natural day lighting, passive solar gain, and natural cooling;
- an annual audit program for energy and water use, and waste generation;
- energy-efficient Heating, Ventilation and Air Conditioning (HVAC), lighting systems, and appliances, and use of solar preheating of makeup air;
- use of building supplies and materials that are non-toxic, made from recycled materials, and made with low embodied energy;
- incorporation of an easily accessible and user-friendly recycling system infrastructure into building design; and
- implementation of a solid waste minimization and recycling plan.

The project will require a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the U.S. Environmental Protection Agency (U.S. EPA). The proponent should establish appropriate protocols for erosion and sedimentation controls during the construction period.

#### Wastewater and Water

The proposed project will generate approximately 23,110 gallons per day of wastewater. The City of Taunton is presently undergoing MEPA review of its Comprehensive Wastewater Management Plan (CWMP) (EEA No. 13897). This project may require a Notice of Project Change if the project exceeds guidance document requirements and moves forward prior to completion of the Environmental Impact Report (EIR) on the Taunton CWMP. The proponent should work with the City of Taunton to confirm treatment capacity and potential inflow and infiltration (I/I) mitigation prior to the advancement of this project in light of known constraints on the Taunton sewer system and treatment plant. In addition, although the ENF did not indicate the need for the extension of a sewer main for the whole project, I advise the proponent to review MassDEP's "Guidance for Evaluating Sewer Extensions Within Communities Developing a Comprehensive Water Resources Management Plan", issued in January 2007.

I also note that daily water use is estimated to be up to 23,110 gallons per day (gpd). The City of Taunton is authorized under the Water Management Act to withdraw on average 7.29 million gallons per day (MGD). According to MassDEP Taunton's 2006 average daily water demand was 5.43 MGD.

I have determined that the ENF has sufficiently defined the nature and general elements of the project and proposed measures to avoid and mitigate environmental impacts. I am

satisfied that any remaining issues can be adequately addressed during the state and local permitting and review process. The proposed project, as described in the ENF, requires no further review under MEPA.

February 22, 2008

Date



Ian A. Bowles

Comments received:

- 02/12/08      Massachusetts Department of Environmental Protection
- 02/14/08      Southeastern Regional Planning & Economic Development District
- 02/19/08      Executive Office of Transportation - MHD

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