



# The Commonwealth of Massachusetts

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February 24, 2006

## CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Shoppes at Page Point  
(formerly Stoughton Commons)  
PROJECT MUNICIPALITY : Stoughton  
PROJECT WATERSHED : South Coastal  
EOEA NUMBER : 13602  
PROJECT PROPONENT : Stoughton (E&A) LLC  
DATE NOTICED IN MONITOR : December 7, 2005

As Secretary of Environmental Affairs, I hereby determine that the Draft Environmental Impact Report (DEIR) submitted on this project **does not adequately and properly comply** with the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00). Therefore, I am requiring that the proponent submit a Supplemental Draft Environmental Impact Report (SDEIR) to respond to the issues identified in this Certificate.

### Project Descriptions

As described in the Expanded Environmental Notification Form (ENF), this project consists of the demolition of existing structures, construction of a 193,000 square foot (sf) retail center (anchored by a Target store) on a 24.6 acre site located on Route 139 in Stoughton. The project includes associated access drives, on-site parking and utility infrastructure. The site, which is zoned for industrial use, contains a 134,000 sf warehouse, a house, a gas station and 75 parking spaces. Also, the site includes undeveloped wooded areas and wetlands.

Potential impacts are associated with the alteration of 12 acres of land, the creation of 7.3 acres of new, impervious area, and generation of 10,486 new average daily trips (adt).<sup>1</sup> Proposed mitigation includes siting of parking underneath the Target building to minimize creation of impervious surfaces, construction of a stormwater management system, and roadway improvements and transportation demand management (TDM) measures to address traffic impacts.

This site was previously reviewed by MEPA as the Campanelli Commerce Park at Stoughton (EOEA #13044). Because the proposed project includes a significant change in land use, the addition of a parcel and a significant increase in potential impacts, the proponent filed a new ENF.

### Jurisdiction

The project is subject to review and mandatory preparation of an EIR pursuant to Section 11.03 (6)(a)(6) of the MEPA regulations because it requires a state permit and will generate 3,000 or more new average daily trips (adt). The project requires a Sewer Connection Permit from the Department of Environmental Protection (DEP) and an Access Permit from the Massachusetts Highway Department (MHD). Also, it requires an Order of Conditions from the Stoughton Conservation Commission (and hence a Superseding Order of Conditions (SOC) from DEP in the event the Order is appealed).

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 cause significant Damage to the Environment and that are within the subject matter of required or potentially required state permits. These include traffic, air quality, wetlands, drainage and wastewater.

### Review of the EIR

Based on a review of the DEIR, consultation with the Executive Office of Transportation (EOT) and public comments on the project, I am requiring the proponent to submit a SDEIR to re-assess existing traffic conditions, re-analyze traffic impacts and further develop appropriate mitigation. Comments from EOT, the Town of Stoughton and a local business all identify significant changes in the traffic patterns and operations in the project area since the filing of the Expanded ENF. While the proponent has provided an updated traffic study that generally conforms to EOEA/EOTC Guidelines for EIR/EIS Traffic Impact Assessments, it does not appear to accurately reflect existing conditions or the project's trip generation and it does not demonstrate clearly that the proposed mitigation measures will adequately address traffic and safety concerns related to the Route 24 interchange and intersections in close proximity to the project site. The Town of Stoughton indicates that, based on its traffic counts, volumes on Turnpike Street and Page Street are 15% higher than volumes used in the DEIR analysis and comments provided by Conroy Development are consistent with this estimate. Mitigation has been improved over that proposed in the Expanded ENF, particularly with the addition of geometric improvements at the Turnpike Street (local) and Hawes Way intersection and I believe

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<sup>1</sup> This number is based on the analysis included in the Executive Office of Transportation's (EOT) comments on the Expanded ENF and will be revised in the SDEIR.

further consultation with MHD and the Town of Stoughton regarding the development of the analysis and changes to mitigation prior to the filing of the SDEIR will be constructive.

Additional information is required on other environmental impacts but, in general, the DEIR provides adequate information and analysis of wetlands, drainage, water, wastewater, contaminated groundwater and soil and construction period impacts.

## SCOPE

### General

The SDEIR should follow the general guidance for outline and content contained in section 11.07 of the MEPA regulations, as modified by this Certificate.

### Project Description and Permitting

The SDEIR should provide updates to the project description and status of project permits. If specific uses and/or tenants for the smaller retail site and the restaurant have been identified these should be included in the project description and reflected in the traffic analysis.

As required by the Scope on the Expanded ENF, the proponent should consult with the Town of Stoughton regarding ongoing planning efforts for North Stoughton and incorporate relevant information into the traffic analysis. Although a master plan has not been developed for this area, a range of development scenarios and potential traffic impacts can be estimated based on an analysis of the land available for development, zoning requirements and other regulatory restraints. The Single EIR for the IKEA project (EOEA #13182) included analysis of several development scenarios for this area.

### Alternatives Analysis

The DEIR includes an alternatives analysis as required. This analysis compared impacts for the No-Build Alternative, the Preferred Alternative, a Warehouse/Industrial Alternative (based on the development program included in the previous MEPA filing for this site) and a Reduced Build Alternative (a 35,000 sf retail development based on the amount and type of development that could be supported by the local and regional roadway system). The DEIR acknowledges that the Reduced Build Alternative and the Warehouse/Industrial Alternative would have less significant environmental impacts compared to the Preferred Alternative; however, it indicates that these uses are not consistent with the proponent's goals for the site and are infeasible based on land values and market conditions. In addition, the DEIR asserts that only the Preferred Alternative can support the off-site roadway improvements necessary to address existing and future operating deficiencies on area roadways. Based on a review of the traffic analysis and proposed mitigation included in the DEIR, it has not been demonstrated that this argument is valid. While I will not require additional analysis of alternatives in the SDEIR, the proponent will need to demonstrate that the project's traffic impacts can be mitigated adequately.

### Traffic and Transportation

Primary access to the site is proposed via Hawes Way off of Route 139. The project will generate 10,486 new adt on an average Saturday. The project includes construction of 791 parking spaces based on a ratio of 4.2 spaces per 1,000 square feet of development. 500 spaces will be constructed for the Target store and 336 of these spaces will be located at grade underneath the Target building. This approach has significantly reduced the amount of impervious surface, and therefore the level of impacts, that normally would be associated with a development of this size.

Proposed mitigation includes geometric improvements (including realignment of Turnpike Street (local)) at the Hawes Way/Route 139 intersection to provide additional capacity; installation of a traffic signal at the Route 139/Hawes Way intersection; geometric improvements and traffic signal modifications at the Route 139/Page Street intersection; implementation of a signal coordination plan for the intersections along the corridor. In addition, the DEIR included a site circulation plan showing an internal sidewalk and crosswalk network, sidewalk improvements along Route 139, and reconstruction of existing sidewalks and restriping of existing crosswalks at the Turnpike Street/Page Street intersection.

EOT provided detailed comments identifying issues that need to be analyzed and addressed in the SDEIR (e.g. queue lengths affecting Route 24, discrepancy in trip distribution patterns, assessment of mitigation at the intersection of Turnpike Street and Lindelof Avenue, analysis of peak period conditions during the winter holiday season and development of a detailed traffic monitoring plan) and highlighted the importance of coordinating the analysis and mitigation with previously reviewed projects and ongoing planning (e.g. IKEA, Stoughton Technology Center and Town planning efforts for North Stoughton). I am incorporating EOT's comments into this Scope by reference.

In addition, the SDEIR should include improvements to the site circulation plan. The plan does not appear to connect to existing development at the site and it does not propose crosswalks at the Hawes Way/Turnpike Street (local) intersection.

The SDEIR should include updated conceptual plans (at 40 scale) for the proposed roadway improvements that should be of sufficient detail to verify the feasibility of constructing such improvements. The conceptual plans should clearly show proposed lane widths and offsets, layout lines and jurisdictions, and the land uses (including access drives) adjacent to areas where improvement are proposed. Any mitigation within the state highway layout must conform to MHD standards, including but not limited to, provisions for lane, median and shoulder widths and bicycle lanes and sidewalks. The timing of mitigation measures should be identified based on the phases of the project.

### Air Quality/Transportation Demand Management

In accordance with the State Implementation Plan (SIP) for ozone attainment, the proponent conducted an indirect source review analysis. If the analysis demonstrates that

hydrocarbon emissions are greater than the No Build Alternative, the SIP requires that appropriate mitigation, including the development of a TDM Program, be provided to mitigate this increase. Because the analysis demonstrates that hydrocarbon emissions are greater than the No Build Alternative, the DEIR includes a TDM program.

Several commentors identified the need to strengthen the TDM program to ensure air quality impacts are mitigated adequately. Specifically, they have encouraged the proponent to consult with Mass Rides on the development of TDM measures and identified the opportunity to incorporate transit access and supporting infrastructure into the project through coordination with Brockton Area Transit (BAT). The proponent has indicated that it will consult with Mass Rides and BAT regarding the development of its TDM program.

The SDEIR should include an updated mesoscale analysis that reflects changes in the traffic study, a summary of its consultations with Mass Rides and BAT and describe the feasibility of extending bus service to the project site.

#### Wetlands/Drainage

As noted in the Certificate on the Expanded ENF, the proponent's decision to site development away from wetland areas and to locate a significant amount of the parking underneath the building is commendable. This design avoids direct wetlands alterations and minimizes the amount of new impervious surfaces created by the project. No impervious surfaces are proposed within 75 feet of the bordering vegetated wetlands (BVW) and no work is proposed within the 50-foot no disturb zone established by the local bylaw (with the possible exception of alteration to the existing sewer pump station).

The DEIR indicates that the project will be developed consistent with DEP Stormwater Management Guidelines and that there will be no increase in peak discharge rates between the pre- and post-development conditions. No additional information is required on wetlands and drainage issues. If project plans result in changes to wetlands impacts or the stormwater management system, updates should be provided in the SDEIR.

#### Sustainable Design

The DEIR includes a description of Target's general efforts regarding sustainable design and conservation although it does not specify which elements will be incorporated into this project. These general efforts include: energy efficient HVAC and lighting systems appliances and other equipment; a recycling program; non-toxic or recycled building supplies and materials; and an environmental management program for setting and evaluating goals. The DEIR does indicate that a white material will be used for the building roof to increase energy efficiency and that it will be designed to provide infiltration of rooftop runoff. As noted in the Certificate on the Expanded ENF, the size of this project and the early stage of the design present a good opportunity to successfully incorporate other cost-effective sustainable design elements and construction practices into the project. I strongly encourage the proponent to incorporate specific sustainable design elements into the project and to describe them in the SDEIR.

### Water and Wastewater

The project will require approximately 21,164 gpd of water and will generate 19,240 gpd of wastewater. Both water and wastewater needs will be provided by existing municipal systems. The proponent has committed to relocate an existing water main and force main on the site to existing systems within Turnpike Street. In addition, the proponent has funded two studies to confirm the capacity and condition of the existing pump station. The proponent is consulting with the Town regarding a commitment to fund maintenance and upgraded equipment for the existing pump station.

The DEIR did not include documentation from the Town confirming that capacity is available to serve the water and wastewater needs project. This documentation must be provided in the SDEIR. In addition, the SDEIR should provide an update on the maintenance and upgrading of pump station equipment.

### Construction Period Impacts

The DEIR indicates that the project construction will last approximately 22 months and it includes an evaluation of construction related impacts and associated mitigation measures to avoid or eliminate these impacts. The proposed measures do not include participation in DEP's Clean Construction Equipment Initiative consisting of an engine retrofit program and/or use of low sulfur fuel to reduce exposure to diesel exhaust fumes and particulate emissions during construction. I encourage the proponent to reconsider participation in this effective program. In addition, the SDEIR should describe construction phasing for the project.

### Contaminated Groundwater & Soil

The DEIR describes the environmental assessments conducted for this property and indicates that both contamination sites are in compliance with the Massachusetts Contingency Plan (MCP). No further information is required on contaminated groundwater and soil.

### Mitigation

The DEIR includes a separate chapter on mitigation measures and a Draft Section 61 Finding in the form of an updated letter of commitment for the MHD access permit. The DEIR does not include other information related to mitigation required by the Scope including: an estimate of the individual costs of the proposed mitigation, a timetable (based on the construction phases of the project) and the identification of the parties responsible for implementing the mitigation. This information should be included in the SDEIR.

Specific mitigation measures related to state agency actions include the following:

- signalization and geometric improvements to Turnpike Street (Route 139) at Hawes Way including realignment of Turnpike Street (local) and the Exxon driveway and widening of approaches to construct exclusive turn lanes;
- geometric improvements at the Turnpike Street/Page Street intersection;

- coordination of signal operations for the Turnpike Street/Hawes Way, Turnpike Street/Page Street and Turnpike Street/Stoughton Crossing signals;
- geometric improvements to the Route 24 Southbound Off-ramp to Hawes Way to improve safety and weaving operations ;
- development of a TDM program to reduce single occupancy vehicle trips to the site including identification of an on-site transportation coordinator, promotion and implementation of ridesharing, bicycle and pedestrian accommodations and on-site services;
- construction of an internal sidewalk and crosswalk network;
- sidewalk improvements along Route 139, including reconstruction and restriping of existing sidewalks and crosswalks at the Turnpike Street/Page Street intersection;
- post-construction traffic monitoring to evaluate project impacts;
- submission of a Release Abatement Measure (RAM) plan to DEP prior to any on-site grading and dewatering; and
- monitoring of construction activities by a Licensed Site Professional (LSP).

Other mitigation measures include:

- development of a stormwater management system consistent with DEP Stormwater Management Guidelines including deep sump hooded catch basins, two subsurface infiltration/detention basins and one water quality unit;
- relocation of the existing 16-inch water main to Hawes Way and Turnpike Street;
- relocation of the 10-inch sewage force main to Hawes Way and Turnpike Street; and
- development of a Construction Management Program (CMP), including a Stormwater Pollution Prevention Plan (SWPPP), to address construction period impacts.

### Response to Comments

The SDEIR should contain a copy of this Certificate and a copy of each comment received. The SDEIR should respond to the comments received, to the extent that the comments are within MEPA subject matter jurisdiction. The SDEIR should present additional narrative and/or technical analysis as necessary to respond to the concerns raised.

### Circulation

The SDEIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should be sent to any state agencies from which the proponent will seek permits or approvals, to the list of "comments received" below and to Stoughton officials. A copy of the SDEIR should be made available for public review at the Stoughton Public Library.

February 24, 2006

Date

  
Stephen R. Pritchard

Comments received:

- 1/11/06 Department of Environmental Protection Southeast Regional Office (SERO)
- 1/23/06 Executive Office of Transportation and Construction
- 1/10/06 Division of Marine Fisheries (DMF)
- 1/20/06 Old Colony Planning Council
- 1/17/06 Town of Stoughton/Planning Board
- 1/20/06 Town of Stoughton/Redevelopment Authority
- 1/20/06 J. Gavin Cockfield for Conroy Development, Inc.
- 2/16/06 J. Gavin Cockfield for Conroy Development, Inc. (second letter)

SRP/CDB/cdb