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February 29, 2008

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
SINGLE ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Spring Street Roadway Improvements & Industrial Lot
Development
PROJECT MUNICIPALITY : Franklin
PROJECT WATERSHED : Charles River
EOEA NUMBER : 14111
PROJECT PROPONENT : Maggiore Companies/Town of Franklin
DATE NOTICED IN MONITOR : January 23, 2008

As Secretary of Energy and Environmental Affairs, I hereby determine that the Single Environmental Impact Report (SEIR) submitted on the above 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).

Project Description

As described in the SEIR, the project consists of the construction of an approximately 4,340-foot extension of Spring Street within a 50-foot right-of-way (ROW) easement and the construction of a seven-lot industrial park containing approximately 362,337 square feet (sf) of floor area and one retail lot containing 4,050 sf located on Route 140. The project will be constructed in two phases, the first of which is the roadway and utility construction. The proponent will provide public water and sewer service with a pump station. Phase 2 includes the development and construction of the seven industrial lots and the retail lot. The proposed project will contain warehousing, light manufacturing, office, and retail land uses with approximately 612 parking spaces. The 53.4-acre site is mostly undeveloped and forested. One existing residential structure on the site will be demolished.

This project requires a mandatory EIR. It will require an Access Permit from the Massachusetts Highway Department (MassHighway) for access to Route 140, and it may need a Construction and Access Permit from the Department of Conservation and Recreation (DCR) for Forge Hill Road. It will require a 401 Water Quality Certification and a Water System Modification Permit, and a Sewer Extension Permit from the Department of Environmental Protection (MassDEP). The project must comply with the U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges. The project may require a Programmatic General Permit from the U.S. Army Corps of Engineers. It will also require an Order of Conditions from the Franklin Conservation Commission as a limited project for impacts to wetland resource areas for roadway access. MEPA jurisdiction is limited to those aspects of the project within the subject matter of state permits and that may have significant environmental impacts (land alteration, transportation, wetlands, water supply, wastewater, and stormwater management).

Using the Institute of Traffic Engineers Trip Generation land use codes, the proponent has estimated that the project will generate approximately 2,784 average daily trips.

The proposed project will be connected to existing municipal water and sewer service. It will consume approximately 20,436 gallons per day (gpd) of water and may generate 18,578 gpd of wastewater flow.

Review of the SEIR

The SEIR described the project. It included existing and proposed site plans. The SEIR identified the proposed project phasing. The first phase is infrastructure improvements to the site and the rest of the project will be constructed over a two to four year period. The SEIR discussed how this project is compatible with Executive Order 385 and the Town of Franklin's Master Plan and Open Space Plan, as well as local zoning.

The SEIR summarized the Preferred and the No-Build Alternatives. It mentions the residential alternatives already developed for the project site.

On February 22, 2008, the proponent provided a chart of alternatives developed for the project site. The alternatives included 300 apartments, 182 residential condominiums, and 158 senior adult residential units. However, each of these alternatives impacted 11,661 sf of wetlands. Each of these alternatives reduced the overall impervious area on the project site. The chart provided a comparative analysis that clearly shows the differences between the environmental impacts associated with each of the alternatives for each of the areas listed within this scope.

According to the proponent, the project does not impact any land that is protected under Article 97 of the Amendments to the Constitution of the Commonwealth. There is no use of DCR's 15-foot ROW as originally proposed.

The traffic study generally conforms to the EEA/EOT Guidelines for EIR/EIS Traffic Impact Assessments. MassHighway believes that the overall mitigation measures suggested for the project are appropriate and reasonable, with the exception of the Route 140/ Maple Street intersection. Because the project will have a substantial impact at this location, the SEIR included a commitment to advance mitigation measures at this location. The SEIR included a map of the traffic impact study area, and it summarized the LOS analysis in a tabular format that included each movement for all of the study area intersections. The Volume/Capacity ratio was also provided for the signalized intersections. The SEIR summarized the average and 95th percentile vehicle queues for each intersection within the study area.

The SEIR provided traffic signal warrant analyses for the Spring Street/Route 140 and the West Central Street/Route 140 intersections. It determined that no traffic signal improvements and visibility enhancements were warranted. The SEIR discussed the implications of possible roadway widening. At the Spring Street intersection, there is sufficient right-of-way within the roadway layout to construct the widening.

The SEIR described how the number of proposed parking spaces was determined. It identified the zoning requirements for parking in Figure 3. In Figure 10, the proponent showed where sidewalks currently exist in a map of the area and where the proponent proposed to construct sidewalks. It identified how the sidewalks would connect to the existing sidewalk along the south side of Route 140. The proponent committed to provide bicycle racks, but has not determined their locations. The SEIR outlined the proponent's Transportation Demand Management (TDM) Program.

I am disappointed that the SEIR did not identify and describe all project-related Greenhouse Gas (GHG) emissions and discuss measures to avoid minimize or mitigate these impacts. The proponent should consult with MassDEP regarding GHG emissions before proceeding to permitting.

The SEIR identified the proponent's efforts to obtain an Order of Conditions from the Franklin Conservation Commission. According to the SEIR, the project will alter approximately 11,286 sf of Bordering Vegetated Wetlands (BVW) located along a portion of the Spring Street right-of-way and potentially another 375 sf along Forge Hill Road if negotiations fail with an abutter. About 2,198 sf is a temporary impact along Spring Street. The proponent proposes this alteration as a "limited project" under the wetlands regulations. It is utilizing retaining walls to reduce wetland impacts. The proponent is proposing an approximately 18,768 sf replication in five areas (Figure 8). The SEIR characterized the significance of the wetland resources on-site, including public and private water supply; riverfront areas; flood control; storm damage prevention; fisheries; and wildlife habitat. The Franklin Conservation Commission has accepted the resource area boundaries. There are no outstanding issues with the Franklin Conservation Commission identified in the SEIR. The resource area boundaries were delineated in the SEIR (Figure 4). The wetland replication plans were provided in the SEIR. According to the proponent,

no additional Orders of Conditions will be required when the proponent develops the individual lots with buildings. There are no nearby public water supplies and wells close to the project. The proponent developed an erosion and sedimentation control plan for the construction period.

The SEIR included a detailed description of the proposed drainage system design in Appendix C. It provided pre- and post-drainage calculations. The proponent recharged roof runoff and other treated stormwater runoff from parking areas and driveways. Proposed activities, including construction mitigation, erosion and sedimentation control, phased construction, and drainage discharges or overland flow into wetland areas, were evaluated. The locations of detention/infiltration basins and their distances from wetland resource areas were identified. Sufficient mitigation measures were incorporated to ensure that no downstream impacts would occur. The drainage analysis ensured that on- and off-site wetlands are not adversely affected by changes in stormwater runoff patterns. The SEIR discussed the consistency of the project with the provisions of the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from construction sites. It included a discussion of best management practices employed to meet the NPDES requirements. The SEIR identified how this project will comply with the NPDES Phase II Stormwater General Permit, which the Town of Franklin is required to prepare and implement. It described the maintenance program for the drainage system. This maintenance program outlined the actual maintenance operations, responsible parties, and back-up systems. The SEIR identified where the MassHighway drainage system discharges.

The SEIR identified that the proposed water system for the project will improve the municipal water supply and delivery system within this area of town. At this time, the proponent does not have a location for proposed groundwater wells for irrigation. No potable water storage tanks are proposed on-site. However, booster pumps may be required to ensure adequate flow. The SEIR outlined measures that the proponent will undertake to reduce water consumption.

No hazardous waste studies and remediation efforts have been undertaken at the site by the proponent to comply with the Massachusetts Contingency Plan, 310 CMR 40.0000.

The SEIR identified the potential construction period impacts, and it analyzed feasible measures that can avoid or eliminate these impacts. It identified that blasting may be required to develop Lots 7 and 8. The proponent is anticipating only local fire department permits for blasting.

The SEIR identified that the proponent will utilize water conservation fixtures in all lavatories; stormwater will be utilized for irrigation water; xeriscaping landscaping/drought tolerant plants; energy efficient HVAC, lighting systems, and appliances; non-toxic recycled building materials; easily accessible and user-friendly recycling system infrastructure; a solid waste reduction plan; and an annual audit program for energy consumption, waste streams and renewable resources.

Summary of SEIR Mitigation

The SEIR included mitigation measures and draft Section 61 Findings in Chapter 5. The draft Section 61 Findings contained a clear commitment to implement mitigation measures and estimated the costs of specific mitigation measures, and identified the parties responsible and schedule for implementing the mitigation. The proponent committed to the following mitigation measures in the SEIR and in the supplemental information provided on February 12, 2008:

- Construct a left-turn lane at Spring Street from Route 140 westbound and widen Route 140 at the intersection to accommodate the left turn lane and a through lane with the necessary geometric improvements, approximately \$105,000.
- Provide a 20-foot wide easement for pedestrian and emergency access to the Franklin State Forest on Lot 7. The in-fee portion to the Town of Franklin is approximately 7,823 sf, and the easement portion is 348 sf, approximately \$15,000.
- Propose a 25-foot no disturb buffer zone of approximately 1.8 acres to protect the State Forest, approximately \$225,000.
- Provide 18,758 sf of wetlands replication, approximately \$50,000.
- Construct a sidewalk on the westerly side of Spring Street and for 500-feet along the southerly side of Route 140 from Spring Street to connect with the existing sidewalk, approximately \$105,000.
- Construct crosswalks across Route 140 at Spring Street and across Spring Street at Route 140 to connect sidewalks and construct a sidewalk for approximately 100 feet on the northern side of Route 140 to connect to the existing sidewalk to the west of the site, approximately \$3,000.
- Propose a conservation easement with the Town of Franklin (Franklin Conservation Commission) on the approximately 17 acres of wetlands, approximately \$25,000.
- Contribute \$20,000 to the Town of Bellingham for the Master Plan for intersection improvements at Route 140/Maple Street/South Maple Street.
- Donate land for the Route 140/Maple Street/South Maple Street intersection improvements under the control of the proponent, approximately \$15,000.
- Provide for the looping of the town water system that enhances the distribution system by providing better pressure and volume of water to the western area of town, approximately \$60,000.
- Provide a wastewater pump station, approximately \$125,000.
- Contribute \$100,000 to the Town of Franklin for yearly maintenance and operation of the wastewater pump station.
- Collect roof runoff into holding tanks for the irrigation system, approximately \$2,500.
- Install individual lot wells for irrigation and storage tanks, approximately \$120,000 for six wells and eight tank systems.
- Propose drought resistant plantings and ground cover, approximately \$30,000.
- Participate in MassDEP's Diesel Retrofit Program, approximately \$3,000.
- Install bike racks close to the building entrances, approximately \$4,000.
- Provide a TDM Program that includes a transportation coordinator, participating in the

MassRide (ridesharing) Program, preferential parking space for ridesharing, bicycle racks, sidewalks, and transit incentives, approximately \$5,000.

- Partial construction of a recreation facility at Beaver Pond, approximately \$150,000.

The total estimated cost of these above mitigation measures is approximately \$1,162,500.

The Town of Franklin should incorporate low impact development (LID) options within its zoning requirements. LID options should include the installation of pervious parking and sidewalks to reduce impervious area. In addition, the proponent should utilize more treatment for stormwater quality to allow for additional infiltration. These additional stormwater treatment measures should be determined by the proponent based on the characteristics in the particular area of the project site and include LID techniques wherever possible. The Charles River Watershed Association has recommended green roofs, stormwater tree planters, rain gardens, and other forms of biofiltration. The proponent should relocate the 2,450 sf and 1,950 sf replication areas away from Spring Street. It should consider some type of permanent boundary markers to identify the buffer area to the state forest. The proponent should work with the Department of Conservation and Recreation (DCR) to install a gate at the southern end of Spring Street. It should provide the DCR with the information and plans showing that no portion of the proposed water line is within DCR's southern half of the Forge Hill Road right-of-way. DCR will need to determine if an easement will be required that triggers the provisions of Article 97 of the Amendments to the Massachusetts Constitution.

The proponent should commit to providing a more detailed stormwater maintenance program to the Franklin Conservation Commission. The proponent should provide additional mitigation improvements for the intersection of Route 140/Maple Street. It should continue discussions with MassHighway to determine adequate mitigation improvements to address the impacts from the project at this location, and submit a revised letter of commitment to MassHighway.

I ask the proponent to provide electronic copies of its draft Section 61 Findings to MassHighway and MassDEP.

February 29, 2008
DATE



Ian A. Bowles

Comments received:

- DCR, 1/18/08
- Guerriere & Halnon, 2/12/08
- The Maggiore Companies, 2/22/08

EEA #14111

Single EIR Certificate

February 29, 2008

Guerriere & Halnon, 2/22/08

CRWA, 2/22/08

MDM Transportation Consultants, 2/22/08

EOT, 2/22/08

DCR, 2/22/08

MassDEP/CERO, 2/20/08

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