



# The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street, Suite 900

Boston, MA 02114-2524

MITT ROMNEY  
GOVERNOR

KERRY HEALEY  
LIEUTENANT GOVERNOR

STEPHEN R. PRITCHARD  
SECRETARY

March 3, 2006

Tel. (617) 626-1000  
Fax. (617) 626-1181  
<http://www.mass.gov/envir>

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

PROJECT NAME	: Wareham Crossing
PROJECT MUNICIPALITY	: I-95/Route 28 – Wareham
PROJECT WATERSHED	: Buzzards Bay
EOEA NUMBER	: 13274
PROJECT PROPONENT	: W/S Wareham Properties LLC
DATE NOTICED IN MONITOR	: January 25, 2006

As Secretary of Environmental Affairs, I hereby determine that the Final Environmental Impact Report (FEIR) submitted on the above 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 the preparation of a Supplemental Final Environmental Impact Report (SFEIR).

While I fully support the reuse of previously developed sites, including the reuse of this site, the project as currently designed has not adequately addressed the concerns of the Massachusetts Executive Office of Transportation (EOT) with regard to mitigating the significant volume of traffic that this development will generate and the associated impacts to Route 28 and I-195. The proponent has sufficiently addressed most of the other non-traffic issues, and the scope for this SFEIR will be limited to traffic issues.

As described in the FEIR, the proposed project consists of the construction of a 710,000 square foot (sf) community style open-air shopping center with a total of 2,840 surface parking spaces. This project is a reduction of 40,000 sf from the 750,000 sf originally proposed. The proponent is proposing 680,000 sf of retail space and 30,000 sf of restaurant space. The site contains 75 acres.

The project requires a mandatory EIR. It will require Massachusetts Highway Department

(MHD) Access and Traffic Signal Permits. The project will require a Sewer Connection/Extension Permit and must file a Notification Prior to Demolition with the Department of Environmental Protection (DEP). It must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. The project will need a Special Permit for the recovery of human remains from the Massachusetts Historical Commission (MHC). It will require a Programmatic General Permit from the U.S. Army Corps of Engineers. On June 29, 2005, the proponent received an Order of Conditions from the Wareham Conservation Commission for work within buffer zones and wetland resource areas.

The proponent will construct the main site driveway onto Route 28, and it will seek permission to signalize this intersection. Three secondary access driveways are proposed for Seth Tobey Road. Using the Institute of Traffic Engineers (ITE) Handbook Land-Use Code 820, the proponent estimated that the project will generate approximately 24,280 new average weekday vehicle trips and 31,765 trips on Saturday.

The proposed project will be connected to the existing Wareham Fire District for water and to the municipal sewer service. According to the FEIR, the project will consume approximately 95,150 gallons per day (gpd) of water, and generate approximately 86,500 gpd of wastewater.

#### **Review of the FEIR:**

The FEIR provided a history of the project. It included existing and proposed site plans. The FEIR described how the project would look. It included a conceptual-level landscaping plan and site renderings. The FEIR identified the proposed lighting impacts from the development of the project.

The proponent has proposed additional traffic mitigation measures since the DEIR. These measures included the construction of more parking spaces and improving school bus circulation at the Decas School to reduce traffic congestion in the area of the project at the start and end of the school day and other additional off-site traffic measures.

The FEIR outlined the proponent's Transportation Demand Management (TDM) Program and the additional measures proposed since the DEIR. It identified the proposed location of transit bus stops within the project site. The FEIR showed that a sidewalk would be constructed along the project's frontage on Route 28 from Seth Tobey Road to the I-195 ramps. It identified how this sidewalk would connect to other sidewalks and proposed crosswalks within the shopping center. The proponent will also install six bicycle racks on the project site, and it identified their locations on a plan.

The FEIR identified that the project will impact about 45 linear feet of Bank at the main site entrance. It discussed where the Route 28 and the Seth Tobey Road drainage systems

discharge in this area. The FEIR explained that the project would be consistent with the provisions of the National Pollutant Discharge Elimination System (NPDES) General Permit from the U.S. Environmental Protection Agency for stormwater discharges from construction sites. It included a discussion of best management practices employed to meet the NPDES requirements, and included a draft Pollution Prevention Plan in Appendix E.

The FEIR updated water consumption estimates from the DEIR. It included a discussion of the proponent's wastewater improvements to the Springborn Pump Station. The existing private wastewater pump station on the site will be abandoned.

The FEIR summarized the results of the proponent's archaeological study, and it identified the additional concerns of the Massachusetts Historical Commission (MHC) regarding the finding of bone fragments at the abandoned cemetery.

The FEIR updated and summarized the proponent's attempts to successfully incorporate cost-effective sustainable design elements and construction practices into the project.

The SFEIR should resolve all remaining issues outlined below, as required by this Certificate. It should include a copy of this Certificate.

#### **Project Description:**

The SFEIR should provide a detailed project description with a summary/history of the project. It should include existing and proposed site plans. The SFEIR should identify the state permits required for the project.

#### **Traffic:**

The SFEIR should address the traffic issues raised in the EOT's comment letter of February 28, 2006. The proponent should reconfigure the proposed geometry for the Route 28/site driveway to ensure that the two existing northbound through lanes on Route 28 remain and that the necessary left-turn lanes are accommodated with adequate lane storage. The SFEIR should identify whether additional right-of-way would be required to provide this intersection configuration.

The proximity of the project site driveway intersection with the I-195 southbound ramp to Route 28 will impact the weaving movement along Route 28 and potentially impact operations of the interchange. The SFEIR should include a weave analysis of the Route 28 corridor between I-195 ramps and the site drive intersection. This weave analysis should account for the presence of queued vehicles waiting to turn into the site driveway based on the reconfigured intersection as described by EOT.

The length of the proponent's proposed left-turn storage lane provided on Route 28

southbound, at the vicinity of the I-95 eastbound on and off-ramps is insufficient to accommodate the proposed queues anticipated by the proposed development. MHD is concerned that extending the length of this left-turn storage lane will impede the Route 28 northbound left-turn storage lane. The proponent must commit to additional mitigation at this location to address the deficiency of the proposed traffic improvements to accommodate the project-related traffic. EOT states that it will be the responsibility of the project proponent to mitigate the impacts of the queue lengths at this location, which may require the widening of the bridge.

From the conceptual plans in the FEIR, the proposed geometric improvements at Route 28/Seth Tobey Road intersection are not adequate given the design of a "trap lane" along Route 28 northbound. There are currently two through lanes provided along Route 28 northbound. However, under future conditions, the proponent has replaced one of the through lanes with an exclusive left-turn lane, which is not acceptable mitigation. The proponent will be responsible for the additional widening at this location in order to provide an exclusive left-turn lane. The channelized right-turn lane provided along Route 28 southbound, will not be that effective once the queue exceeds 100 feet. The SFEIR should include conceptual plans of sufficient detail, preferably 80-scale to MHD to verify the feasibility of constructing such improvements. The conceptual plans should show proposed lane widths and offsets, median and shoulder widths, bicycle lanes and sidewalks, layout lines and jurisdictions, and the land uses (including access drives) adjacent to areas where improvements are proposed. The SFEIR should indicate if any land takings are required to construct the proposed improvements. The roadway geometry and operations for each of the study area intersections should be refined during the SFEIR design process.

**Parking:**

The SFEIR should reduce the number of parking spaces proposed from 2,840 to 2,566 spaces as required by local zoning. The proponent should consider providing an area of "banked" parking spaces that are not constructed, but held in reserve if parking demand should ever exceed the 2,566 space zoning requirement.

**Transportation Demand Management (TDM) Measures:**

The SFEIR should consider additional TDM measures such as a guaranteed ride home for employees who rideshare and coordinating its TDM services with other nearby retailers and employers. The proponent should investigate initiating a Route 28 Transportation Management Agency (TMA) with other large employers in the area. An important TDM service would be available transit bus service, which the Greater Attleboro-Taunton Regional Transit Authority (GATRA) is willing to provide. I encourage the proponent to make this transit service a reality by providing GATRA with the \$12,500 annual operating subsidy that it will need to provide service to this shopping center. The SFEIR should also reconsider the feasibility of providing a sidewalk along Seth Tobey Road.

**Mitigation:**

The SFEIR should include an updated chapter on mitigation measures. This chapter on mitigation should include the Proposed Section 61 Findings for MHD, DEP, and MHC.

In the FEIR, the proponent committed to implement the following mitigation measures:

- Provide wetland replication areas for impacts to wetland resources; approximately \$75,000.
- Provide Best Management Practices such as infiltration galleries, deep sump hooded catch basins, stormwater treatment units, and extended detention basins with sediment forebays to provide groundwater recharge in excess of those required by DEP; approximately \$3.5 million.
- Install traffic signals at the Main Site Driveway onto Route 28 and provide a double left turn lane on Route 28 northbound at the driveway and a left turn storage lane from Route 28 southbound to service Kendrick Road and a right turn lane for the shopping center; approximately \$750,000.
- Install traffic signals and make geometric improvements at the intersection of Seth Tobey Road and Route 28; approximately \$350,000.
- Install traffic signals at the I-195 westbound and eastbound Ramps with Route 28 along with related geometric improvements; approximately \$500,000.
- Provide traffic signal coordination for all the proposed four traffic signals along Route 28; approximately \$200,000.
- Complete a review of existing signing and pavement markings along the Route 28 corridor from Five Corners to Seth Tobey Road for MHD; approximately \$5,000.
- Restripe the Charlotte Furnace Road approach to Route 28 and the Route 28 southbound approach to provide a left turn lane; approximately \$2,000.
- Install an emergency flashing warning beacon at the intersection of Route 28/Charlotte Furnace Road; approximately \$15,000.
- Perform a signal warrants study for the intersection of Route 28/Charlotte Furnace Road; approximately \$5,000.
- Restripe Route 28 at Carver Road (Five Corners); approximately \$2,000.
- Provide a left turn storage lane to Seth Tobey Road southbound approach at the intersection of Main Street and evaluate an all-way stop condition; approximately \$15,000.
- Prepare a feasibility study of potential alternatives to the existing railroad overpass at Main Street/ Railroad Underpass to improve site distance including the elimination of the grade separation and replacement with an at-grade crossing; approximately \$10,000.
- Provide a new geometric design for the intersection of Main Street/Tremont Street to "square off" the intersection and form new turn lanes; approximately \$85,000.
- Prepare a traffic signal warrant study for the intersection of Main Street at Gibbs Street; approximately \$5,000.
- Remove vegetation that restricts site distance at Fearing Hill Road and Main Street and

- perform an all way warrants study; approximately \$5,000.
- Provide an on-site TDM program with an employee transportation coordinator. Encourage flextime, direct deposit of pay checks, and an automatic teller machine. Implement a ridesharing program. Provide preferential parking for ridesharing. Construct three bus stops on site. Install six bicycle racks on-site. Post signs directing motorists leaving the site to the various routes; and coordinate with Greater Attleboro-Taunton Regional Transit Authority (GATRA) to provide transit service to site. The TDM Program will cost approximately \$50,000.
  - Increase on-site parking and improving the existing school bus circulation patterns on the grounds of the Decas School that is located on Main Street; approximately \$150,000.
  - Provide a sidewalk along the project's frontage with Route 28 and with connecting pedestrian paths through the shopping center; approximately \$68,000.
  - Install a groundwater recharge system, drought tolerant landscaping design, and low-flow fixtures and toilets; approximately \$250,000.
  - Upgrade the Springborn Pump Station by installing two new submersible pumps. Replace the generator and repair and/or replace lighting fixtures and wire as needed; approximately \$125,000.
  - Implement construction related mitigation measures; approximately \$200,000.
  - Incorporate sustainable design measures into the project.
  - Complete the archaeological relocation to the Centre Cemetery; approximately \$12,000.

According to the proponent, these above mitigation measures will cost approximately \$6.379 million.

#### **Response to Comments:**

The SFEIR should include copies of all comment letters. It should provide a response to all comments within the scope of this project.

#### **Circulation:**

The SFEIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should be sent to the list of "comments received" below and to Wareham officials. A copy of the SFEIR should be made available for public review at the Wareham Public Library.

March 3, 2006  
DATE

  
Stephen R. Pritchard

Cc: Sharon Stone, DEP/SERO

EOEA #13274

FEIR Certificate

March 3, 2006

Comments received:

MHC, 2/16/06

ESS Group, 2/21/06

David Belluche, 2/21/06

ESS Group, 2/22/06

SRPEDD, 2/22/06

DEP/SERO, 2/24/06

The Coalition for Buzzards Bay, 2/24/06

GATRA, 2/24/06

EOT, 2/28/06

13274feir

SRP/WTG/wtg