



# *The Commonwealth of Massachusetts*

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April 13, 2006

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

PROJECT NAME : Cold Spring Brook Place  
PROJECT MUNICIPALITY : Sutton  
PROJECT WATERSHED : Blackstone  
EOEA NUMBER : 13249  
PROJECT PROPONENT : **Jon R. LeClaire Builders, Inc.**  
DATE NOTICED IN MONITOR : March 7, 2007

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).

The review of the DEIR has left unresolved a number of key issues regarding traffic. The outstanding issues are too central to the project and to the evaluation of its environmental impacts to allow the project to proceed to the Final EIR stage. Therefore, I am requiring the preparation of a limited-scope Supplemental Draft Environmental Impact Report (SDEIR) to more clearly address the projects' environmental impacts in the area of traffic.

### Project Description

As described in the DEIR the proposed project is a mixed-use development that includes commercial and residential components. The project has been significantly expanded since the Environmental Notification Form (ENF) was submitted in 2004. It now includes four new parcels, bringing the total acreage to 51.56 acres and the impervious area to 24.1 acres. It also increases the retail space from 100,415 square feet (sf) to 258,925 sf and replaces the originally proposed 60-room hotel with 60 residential condominiums under Chapter 40B. The proposed

development is located at the corner of Rt. 146 and Boston Road. Previous uses on the site have included a sand and gravel operation that has left the majority of the site cleared of vegetation.

### Permits and Jurisdiction

This project is subject to a mandatory EIR pursuant to Sections 11.03 (1)(a)(2), 11.03 (6)(a)(6) and 11.03 (6)(a)(7) of the MEPA regulations because it creates 10 or more acres of impervious area, generates 3,000 or more new adt on roadways providing access to a single location and construction of 1,000 or more new parking spaces at a single location and requires state permits. The project will require a Sewer Connection Permit from the Department of Environmental Protection (DEP) and a Massachusetts Highway Department (MHD) Access Permit. It must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over five acres. An Order of Conditions will be required from the Sutton Conservation Commission. Because the project will now contain 60 residential condominiums under Chapter 40B the project requires a Comprehensive Permit from the Town of Sutton's Board of Appeals pursuant to M.G.L. Chapter 40B (and hence an approval from the Massachusetts Housing Appeals Committee in the event of an appeal of the local Comprehensive Permit).

Since 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. In this case, MEPA jurisdiction exists over issues related to wastewater, stormwater, traffic, and potentially the broad subject matter of the 40B process.

### SDEIR SCOPE

#### General

The SDEIR should be prepared in accordance with the general guidelines for EIR outline and content found in section 11.07 of the MEPA regulations, as modified by the specific guidance in this Certificate. The SDEIR should include a copy of this Certificate and copies of all comment letters received. The SDEIR should also include responses to all substantive comments that are within MEPA jurisdiction. The proponent should circulate the SDEIR to those who commented on the DEIR and to any state agencies from which the proponent will seek permits and/or approvals.

#### Traffic

The revised project will draw approximately 14,438 new daily vehicle trips to the area once construction is complete. This is an increase from the originally proposed 11,385 new daily vehicle trips described in the ENF. The DEIR included a traffic study prepared that does not conform to the EOEA/EOTC Guidelines for EIR/EIS Traffic Impact Assessments. In addition, the DEIR did not respond to the concerns raised by MHD during the review of the ENF or propose mitigation measures that fully address the safe and efficient operations of the project

area.

MHD has requested and I concur, that the proponent should meet with Executive Office of Transportation's (EOT) Public/Private Development Unit to adequately define the key assumptions contained in the DEIR prior to developing the SDEIR. Specifically, the proponent should work closely with EOT's Public/Private Development Unit on site-specific development assumptions included in the future year conditions, how trip distribution was determined, and proposed mitigation for the project. MHD has provided a detailed comment letter on the DEIR that must be addressed for the SDEIR to be found adequate.

The ENF was originally submitted three years ago. Because of the elapse of time the SDEIR should re-analyze all traffic operations for a 5-year horizon of 2012. As noted previously, the trip generation figures do not meet MHD/EOT criteria. Prior to projecting the data to the year 2012, the SDEIR should provide a justification of the discrepancies noted in MHD's comment letter. The SDEIR should present crash analyses in the form of calculated crash rates for all the study area intersections, an examination of the types of accident to determine if there are any identifiable crash patterns, and, if appropriate, a discussion of how any proposed mitigation for the development would contribute to an increase in safety.

In addition, based on the comparison of the analyses from the 2010 No-Build to the 2010 Build with mitigation, the overall level of service at the intersection of Route 146 and Boston Road is projected to function at a failing level of service, even with the proposed mitigation. In MHD's comment letter on the ENF, MHD requested that the proponent should examine a grade-separation of the intersection of Route 146 and Boston Road. The analysis was not completed in the DEIR. The SDEIR should examine the impacts of project with grade separation improvements in place, including merge and diverge operations, as well as any new intersections that are created or proposed.

The SDEIR should contain updated 2012 analyses for not only the PM and Saturday midday peak, but also the necessary analyses for the AM peak hour for all study area intersections which was not included in the DEIR. Due to the proximity of the Route 146 at Boston Road intersection to the proposed site access drive on Boston Road, MHD has specifically recommended that the proponent use the software program Synchro to help determine the coordination of traffic signals in the study area.

The SDEIR should contain a more detailed discussion of how the internal site circulation was redesigned and how it will present or discourage cut-through traffic. The SDEIR should include a weave, merge, and diverge analysis between vehicles exiting the site onto Route 146 northbound and vehicles traveling on the mainline of Route 146 northbound. The SDEIR should also examine eliminating the site access drive at Route 146 because it would eliminate the potential for cut-through traffic, as well as merging, diverging, and weaving between traffic entering and exiting the site and mainline vehicles on Route 146 northbound. The SDEIR should include conceptual plans of 40-scale for the proposed roadway improvements with sufficient detail to verify the feasibility of constructing the improvements.

The proponent should continue discussions with the Office of Transportation and Planning, MHD and the Town of Sutton regarding the outcome of the proposed mitigation measures at key study area intersections. The SDEIR should include a letter of commitment to implement the traffic mitigation and Transportation Demand Management measures.

Project Permitting

The SDEIR should identify state permits and agency actions required for the project, and should discuss the consistency of the project with any applicable performance standards.

Mitigation

The SDEIR should include a summary of all mitigation measures to which the proponent has committed. The mitigation summary should form the basis of the Proposed Section 61 Findings to be presented in the Final EIR.

April 13, 2007

Date



Ian A. Bowles

Comments Received:

- 04/04/07 The Massachusetts Riverways Program
- 04/10/07 Executive Office of Transportation/ Massachusetts Highway Department
- 04/10/07 Department of Environmental Protection-CERO

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