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May 17, 2006

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

PROJECT NAME : Lowe's of Hadley
PROJECT MUNICIPALITY : Hadley
PROJECT WATERSHED : Connecticut River
EOEA NUMBER : 13539
PROJECT PROPONENT : Paradigm Development
DATE NOTICED IN MONITOR : March 8, 2006

As Secretary of Environmental Affairs, I hereby determine that the Draft Environmental Impact Report (Draft EIR) submitted on this 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).

Standard and Purpose of MEPA Review

Section 11.08(8)(b) of the MEPA Regulations requires me to find a Draft EIR adequate even if certain aspects of the project or issues require additional technical or descriptive analysis, so long as I find that "the draft EIR is generally responsive to the requirements of 301 CMR 11.07 and the Scope." I have fully examined the record before me, including but not limited to the Scope issued; the Draft EIR filed in response; and the numerous comments entered into the record. While many of the comments have raised valid concerns, I find that the Draft EIR has addressed the issues within MEPA jurisdiction to a sufficient extent that the project may advance to the stage of a Final EIR.

There are still outstanding issues within MEPA jurisdiction that must be addressed in the Final EIR, as described below and in the comments received listed at the end of this Certificate. I have

many concerns regarding the project's traffic impacts along the Route 9 corridor and the adequacy of the proposed mitigation to address these impacts. The Draft EIR accounts for the trip generation associated with the Home Depot project (EOEA #13055) and the Hampshire Mall Expansion project (EOEA #13478) along Route 9 in the immediate area. However, the project proponent must present in the Final EIR a future analysis that takes into account the specific mitigation that will be in place based on the varying timetable for the three developments.

The Massachusetts Highway Department (MHD) has found that the traffic study generally conforms to the EOEA/EOT Guidelines for EIR/EIS Traffic Impact Assessments. However, I am requiring, and MHD concurs, that the Final EIR include a revised traffic study prepared in conformance with the EOEA/EOT Guidelines for EIR/EIS Traffic Impact Assessments which identifies appropriate mitigation measures for areas where the project will have an impact on traffic operations. The Final EIR must include a clear commitment to implement mitigation measures and should describe the timing of their implementation based on the phases of the project. The Final EIR should address this issue and the others described in more detail below and respond to the comments received that are within MEPA jurisdiction. The Final EIR should present additional narrative and technical analysis where necessary to respond to the substantive comments received.

Project Description and MEPA Jurisdiction

As described in the Draft EIR, the project involves development of approximately 169,166 square foot(sf) home improvement warehouse (an increase from the 138,431 sf proposed in the Environmental Notification Form (ENF)) and a 6,000 square foot out parcel, which could consist of either a bank or restaurant. The project will include the construction of 907 parking spaces of which 223 will be in held in reserve to be constructed at a later date if deemed necessary. This is an increase from the originally proposed 898 parking spaces of which 177 were to be held in reserve. The site is located on the north side of Route 9 (Russell Street), west of Bison Farm and east of a miniature golf facility and residential homes in the eastern portion of Hadley. Based on ITE Land Use Code (LUC) 862 and LUC 932 (High Turnover Restaurant), the project is expected to generate an additional 5,275 new vehicle trips on an average weekday. The project site was formerly part of an adjacent Bison Farm, which abuts the property west and north. A miniature golf/driving range facility and residential homes border it to the east. It has an open grassy meadow and perimeter wetland areas. Wetland replication is proposed to mitigate loss of wetland areas as required for widening improvements to Route 9 as well as the improvement of an existing access road and wetland crossing on the adjacent property.

Increased storm water runoff rates and volumes will be controlled through the proposed storm water management facilities, including subsurface detention, and will approximate the pre-construction rates. Construction term sediment and erosion control measures will be implemented in accordance with a Storm Water Pollution Prevention Plan to manage stormwater runoff and minimize erosion during construction.

This project is subject to a mandatory EIR pursuant to Sections 11.03(1)(a)(2), and (6)(a)(6) and of the MEPA regulations. It creates 10 or more acres of impervious area and generates 3,000 or more new vehicle trips. A Massachusetts Highway Department (MHD) access permit will be required for access to Route 9. The project will require a Section 401 Water Quality Certificate from 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 of over five acres. The project may also need a Section 404 Programmatic General Permit (Category II) from the U.S. Army Corps of Engineers. An Order of Conditions will be required from the Hadley Conservation Commission for work within a resource area.

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 alteration, traffic/air quality, wetlands, and stormwater.

General

The Final EIR should include a copy of this certificate and a copy of each comment received. The proponent should circulate the Final EIR at a minimum to those parties submitting written comments on the Draft EIR, and to any state agency from which the proponent will seek permits.

Comments

The Final EIR must respond fully to the substantive comments received. The Final EIR should present additional technical analysis and/or narrative as necessary to respond to the concerns raised, not otherwise raised in this Certificate. The proponent should circulate a copy of the Final EIR to any party submitting written comments on the Draft EIR. The Final EIR should contain a copy of this Certificate and of each comment received.

Project Description

The Final EIR should expand on the project description included in the Draft EIR. The Final EIR should present a full description of the project, which should include a clearer description and commitment on lighting, grading, landscaping, and buffers between the site and adjacent uses. Many commenters have raised the point that the Draft EIR information on these topics is different than what was originally proposed and promised to abutters. The Final EIR must clarify and address these comments. The Final EIR should also include existing and proposed grading plans. In accordance with section 11.01 (3)(a) of the MEPA regulations, the Final EIR should more clearly demonstrate that the project meets and is consistent with any applicable local or

regional land use plans

Alternatives

The Final EIR should expand on the alternatives site layout analysis included in the Draft EIR. A central purpose of MEPA review is to ensure that a project proponent studies feasible alternatives to a proposed project; fully discloses environmental impacts of a proposed project; and incorporates all feasible means to avoid, minimize, or mitigate Damage to the Environment as defined by the MEPA statute. After completion of the EIR process, the state permitting agencies must then issue substantive decisions on whether or not to permit those aspects of the project within their respective jurisdictions. If permits are issued, the state agencies must incorporate the information in the EIR process into their required Section 61 Findings, thus formalizing the mitigation commitments contained in the EIR.

Traffic

The Final EIR should include a revised traffic study prepared in conformance with the EOEA/EOT Guidelines for EIR/EIS Traffic Impact Assessments and should identify appropriate mitigation measures for areas where the project will have an impact on traffic operations. The proponent should provide a clear commitment to implement mitigation measures and should describe the timing of their implementation based on the phases of the project. The Final EIR should present capacity analyses and a summary of the average and 95th percentile vehicle queues along with the available queue storage for each intersection that was analyzed in the Draft EIR. This summary should be provided for the Existing, No-Build, and Build conditions.

The Draft EIR has accounted in the traffic study for the trip generation associated with the Home Depot project (EOEA #13055) and the Hampshire Mall Expansion project (EOEA #13478). The Final EIR should include the schedule for implementation of the mitigation measures associated with these projects, more specifically the Home Depot project that has already completed MEPA review and is currently in the permitting process. Based on the varying timetable for the three developments, the project proponent must present in the Final EIR a future analysis that takes into account the specific mitigation that will be in place based on a more realistic schedule. The project proponent may have to implement mitigation that another development was planning to implement in order to assure satisfactory traffic operations along the Route 9 corridor should the other projects change their schedule. The proponent should work very closely with MHD and the Town of Hadley to ensure consistency of proposed improvements at locations with previous improvements are currently or will be under design.

MHD has raised concerns, and I agree, regarding proposed mitigation at several locations the project will impact, specifically at the University Drive/Snell Street intersection and the Route 9/North Maple Street intersection. The proposed improvements at the University Drive/Snell Street intersection consist of replacing the north-south split phase with a Snell Street northbound

permitted-protected left turn phase. MHD does not believe, and I concur, that the existing alignment of University Drive will allow for this change in the signal plan.

MHD has several concerns regarding the proposal to widen the Route 9 westbound approach at the intersection of North Maple Street which must be addressed in the Final EIR. There is a weaving issue for through traffic and right turn traffic beyond the Maple Street intersection and into the site drive as well as the potential blockage of the right turn onto North Maple Street north due to queued traffic on Route 9 westbound. There are several changes to the signals along the Route 9 corridor that should be included in the traffic analysis presented in the Final EIR.

The analysis in the Final EIR should also include the following changes along Route 9:

- the plan to widen Route 9 to provide exclusive left turn lanes at the Middle Street intersection has been abandoned and the east-west split phasing is planned to be maintained; and
- the analysis of the Route 9/East Street intersection should be updated to reflect the planned signal timing/sequence changes to provide a protected-only phase for the Route 9 EB/WB left turn.

The Final EIR should take into consideration current projects under design by MHD, more specifically the Route 9/Route 47 Safety Improvement Project and the Route 9 Reconstruction Project from Aqua Vitae Road to Whalley Street. The Final EIR should consider the recommendations of the Connecticut River Crossing Transportation Study as part of their transportation mitigation evaluation. The Final EIR should discuss the feasibility and impact of advancing the MHD (Connecticut River Crossing Transportation Study) recommendation of the 4-lane highway section between the proposed site drive and the Home Depot project in order to eliminate the “bottleneck” effect between the two projects.

The Final EIR should include conceptual plans 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’s standards, including but not limited to, provisions for lane, median and shoulder widths, and bicycle lanes and sidewalks.

The Final EIR must adequately respond to MHD’s comments submitted both on the ENF and Draft EIR requesting implementation of an effective Transportation Demand Management (TDM) plan. The Final EIR must adequately present all feasible measures aimed at reducing site trip generation. The Draft EIR should have identified the existing modes along the corridor such as transit, walking, and bicycling; analyze their existing and future conditions based on the project’s impacts; and provide improvements to attract mode usage. The Final EIR must include quantitative measures for each considered mode to demonstrate improvements. This discussion should be provided in the main document and not discussed in response to comment section of

the Final EIR.

The Final EIR should provide an update of the local permitting processes for the proposed project, particularly with respect to any state highway issues being discussed. The Final EIR should include a letter of commitment that outlines each mitigation measure the project proponent intends to implement to mitigate the traffic impacts of this project.

Traffic Accident Summary - Supplemental Information Provided During Extended Draft EIR Review

The Draft EIR presented a limited accident summary that presented accident data at only two of the study area intersections. The supplemental information provided during the extended review period included an accident summary that was taken directly from the report prepared for the Proposed Retail Center (EOEA #13055). This additional information is not sufficient because it included an accident summary prepared for the three-year period between 2000 and 2002. The Final EIR should revise this accident summary to include accident information for each of the study area intersections for the three most recent years that data is available (2002, 2003, and 2004). In addition, accident diagrams should be provided for any location that exceeds the district average accident rate and the Final EIR should expand on the accident analysis for each of the study area intersections to determine if mitigation measures are necessary based on the current crash history and projected increases in various movements at the intersections.

Parking

The Final EIR should clarify the amount of parking requested by the proponent and why. The Final EIR should also clarify the reserved parking amount, the reasoning behind requesting these 223 parking spaces, and how this will be done. The proponent should discuss this with the Town of Hadley.

Public Transit

The project proponent has not demonstrated in the Draft EIR progress in working with the Pioneer Valley Transit Authority (PVTA) and other area transit providers to analyze existing route ridership and operating conditions that currently serves the site, and evaluate the benefit of increasing the service frequency. Additionally, the project proponent should demonstrate cooperation with business owners along the corridor a transit/shuttle system that will provide a more direct access to the businesses while reducing vehicle trips. The existing Amity shuttle is planning to serve the recently reviewed Home Depot site, the Final EIR should evaluate whether the service could be expanded to provide such service. In order to improve the current level of service and to mitigate the impacts on bus running times that will result from increased automobile traffic, all of the merchants in this area should work with PVTA to provide ongoing operating subsidy. The Draft EIR should discuss progress made among the proponents of the

current project in implementing an operating subsidy for the PVRTA. The subsidy should be focused on increasing the cycle time for its buses in order to accommodate the increased traffic congestion and improve the frequency of service.

Pedestrian and Bicycle Facilities

The proponent should work with the Town of Hadley to ensure continuity of the sidewalk system, and devise a plan to ensure future maintenance. The proponent of the Home Depot project (EOEA #13055) has committed as part of their Section 61 finding to provide an internal sidewalk system to be connected with a proposed sidewalk along the project's site frontage. The sidewalks will be implemented if requested and supported by MHD and/or the Town of Hadley. At a minimum, the project proponent should commit to a sidewalk along their frontage and evaluate the possibility extending the sidewalk to connect to the Home Depot project.

Wetlands/Drainage/Water

The Final EIR should clarify the wetland resource areas as described in detail in both the Hadley Conservation Commission's and the Connecticut River Watershed Council's comment letters. This should include any banks, intermittent streams, perennial streams, land under the water, bordering land subject to flooding, and isolated land subject to flooding and buffer zones present on the site and immediately adjacent to the site on a reasonably scaled plan. Specifically the Final EIR should contain wetland information on the home farm necessary to document the wetlands crossing and road widening that will take place on the home farm. The wetlands west of the Lowe's lot line should be delineated in the Final EIR.

The Final EIR must also include more detailed information on the subsurface drainage detention basins. The Final EIR should include information regarding:

- sedimentation in these retention facilities;
- inflow of high groundwater that may then be drained offsite;
- increase in overall drainage to inadequate downstream ditches; and
- the loss of pollution abatement functions provided by surface detention basins.

The Final EIR should include information on infiltration because the town's bylaw requires that infiltration is preferred methods to detention in the aquifer because a portion of the project site is within the Zone II Aquifer Protection District for Hadley's municipal well field. The Final EIR must include a map showing what portions of the project site are within the Zone II Aquifer Protection District for Hadley's municipal well field. The proponent should consult with DEP, the Hadley Conservation Commission and the Connecticut River Watershed Council on these issues.

The proponent should strongly consider placing a Conservation Restriction on the land to the north of the project and also a method to ensure an independent periodic review of stormwater

and snow management. The Final EIR should include any information on these and/or other possible mitigation measures.

Visual/Aesthetics

The Final EIR should address the concerns raised in comments related to the abutting residential neighborhood. Many commenters have raised the point that the Draft EIR information on these topics is different than what was originally proposed and promised to abutters.

Historic/Archaeological

The proposed project area is archaeologically sensitive and is likely to contain archaeological sites associated with the Native American occupation of the Hadley area. A group of six archaeological sites (MHC site #s 19-HS-142, 151-154, 254) are located immediately south of the project area along the Fort River and the tributary that runs along the west side of the project area. The Final EIR should address the issues raised in the Hadley Historical Commission's comment letter specifically related to the addition of the fifth turning lane at the intersection of Route 9 & 47 and the addition of a right turning lane at the intersection of Route 9 and East Street.

Construction Period

The Final EIR should update any construction period impacts, including impacts from earth moving, impacts to vegetation, potential impacts from erosion and sedimentation, traffic impacts on adjacent roadways, and impacts to adjacent land uses.

Mitigation / Section 61 Findings

The Final EIR should contain a summary of all mitigation measures to which the proponent is committed, as well as Proposed Section 61 Findings for use by the state agencies. The Proposed Findings should reflect any new commitments made during the course of the Final EIR process.

I remind the proponent that if the project should change for any reason, the proponent should file a timely Notice of Project Change that fully explains any changes and their potential environmental impacts.

I continue to urge the proponent to participate in any discussions and studies that evaluate the feasibility of traffic, pedestrian and bicycle improvements within this area. I also reiterate that the proponent should commit to make membership in the Route 9 TMA a standard provision of all lease agreements.

May 17, 2006

Date



Stephen R. Pritchard

Comments Received:

03/07/06	David Elvin, 1 st comment letter
03/13/06	Thomas Jones
03/13/06	Joseph Roj
03/15/06	Christopher and Melanie Freitag
03/18/06	Andrew Morris-Friedman
03/22/06	Hadley Family Practice, Dr. Robert Weitzman
03/28/06	James Avery Smith
03/28/06	Susan Norris
03/28/06	Mike and Susan Frazier
03/28/06	Sarah Morin
03/31/06	David Elvin, 2 nd comment letter
04/04/06	Alan Eccleston
04/04/06	Jonathan Chils and Elizabeth Rosenberg
04/06/06	Planning and Development, City of Northampton
04/07/06	Jacueline Loconsolo
04/07/06	Hadley Historical Commission
04/07/06	Hadley Conservation Commission
04/07/06	Pioneer Valley Planning Commission
04/07/06	Town of Hadley, Office of the Planning Board
04/07/06	Department of Environmental Protection – WERO
04/10/06	James Lowenthal
05/09/06	Executive Office of Transportation/ Massachusetts Highway Department
05/10/06	Connecticut River Watershed Council
05/12/06	Michele Morris-Friedman
05/12/06	Pioneer Valley Transit Authority

SRP/ACC/acc