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May 29, 2009

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

PROJECT NAME : Queset Commons  
PROJECT MUNICIPALITY : Easton  
PROJECT WATERSHED : Taunton  
EEA NUMBER : 14266  
PROJECT PROPONENT : Douglas A. King Builders, Inc.  
DATE NOTICED IN MONITOR : April 22, 2009

As Secretary of Energy and Environmental Affairs, I hereby determine that the Draft Environmental Impact Report (DEIR) submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) and with its implementing regulations (301 CMR 11.00). The proponent may prepare and submit for review a Final Environmental Impact Report (FEIR).

Project Description

As described in the DEIR, the project consists of a mixed-use development designed in accordance with the M.G.L. Chapter 40R Smart Growth provisions. The project site evaluated in the DEIR, Queset Commons, will be located on a 68.7-acre site situated west of Washington Street (Route 138) and north of Morse's Pond in Easton. The development will consist of ten new buildings, including: two 4-story condominium buildings (total 60 units); one 4-story 83-unit assisted living apartment building, which will be next to, and most likely affiliated with, the existing Queset on the Pond 99-unit elderly independent living facility; two 4-story mixed-use

buildings, for residential and retail/commercial uses, that will provide 137 apartment rental units and 60,000 square feet (sf) of retail/commercial space; a 16,000 sf conference center; a 15,000 sf food market; two office buildings (total 25,000 sf); and a 150,000 gallons per day (gpd) wastewater treatment plant building.

Anticipated environmental impacts associated with the project include 18.56 acres of land alteration, 11.8 acres of new impervious area, 1,300 sf of shading impact to Bordering Vegetated Wetlands (BVW), 8,528 additional adjusted vehicle trips per day, 881 new parking spaces, and approximately 34,910 gallons per day (gpd) of new water usage and 69,820 gpd of new wastewater generation, respectively. The project will include the installation of an on-site wastewater treatment facility, wastewater discharge areas, intersection improvements, and a variety of low-impact design (LID) stormwater management techniques.

### Jurisdiction and Permitting

This project is subject to MEPA review and the preparation of a mandatory EIR as it requires a State agency action and will generate 3,000 or more new average daily trips on roadways providing access to a single location (301 CMR 11.03(6)(a)(6)). The project will also exceed the mandatory EIR threshold at 301 CMR 11.03(1)(a)(2) as it will create ten (10) or more acres of impervious area. The project will require a Vehicular Access Permit from the Massachusetts Highway Department (MassHighway) for impact to state-controlled roadways. The project will also require a Major Groundwater Discharge Permit (BRP WP 06) from the Massachusetts Department of Environmental Protection (MassDEP). Coverage under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the U.S. Environmental Protection Agency will be required. Finally, the project must obtain an Order of Conditions from the Easton Conservation Commission, or in the case of an appeal, a Superseding Order of Conditions from MassDEP. The project is subject to the EEA/MEPA Greenhouse Gas (GHG) Emissions Policy and Protocol.

The project will receive financial assistance from the Massachusetts Department of Housing and Community Development in accordance with M.G.L. Chapter 40R – Smart Growth Zoning and Housing Production Bylaw. Therefore, MEPA jurisdiction for this project is broad and shall extend to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment as defined in the MEPA regulations.

### Project Changes Since Review of the ENF

The DEIR provided clarification of the project area boundaries and the estimated traffic generation rates based on the variety of proposed uses. Additionally, several changes to the project have been proposed in response to comments received on the ENF. These changes include:

- Modification to the type of bridge crossing connecting the easterly portion of the site with the westerly portion of the site to reduce overall wetland impacts;

- Creation of a stand-alone assisted living facility instead of incorporating the facility into a larger mixed-use building;
- Relocation of all proposed wastewater recharge areas entirely outside of, and as far as practically possible from, the Zone II area for the Town of Easton's Queset Brook aquifer water supply wells; and
- A reduction in the number of parking spaces from 910 to 881 due to revisions allowed based on the final approved Queset Commons Smart Growth Overlay District Bylaw and Design Standards.

## Review of the DEIR

### *General*

The DEIR contained a description of the project and a characterization of the existing and proposed project site conditions. The DEIR included a summary of required permit approvals and outlined a project phasing scheme and construction sequencing program. The DEIR discussed how the project is consistent with local land use plans and regional plans for southeastern Massachusetts. The DEIR clarified the project site, its relationship to the Queset Commons Smart Growth Overlay District, the existing on-site uses, and the proposed 8-acre conservation restriction adjacent to the development site.

### *Alternatives*

The DEIR included an alternatives analysis prepared in response to the Certificate on the ENF. Several comments on the ENF noted that while permissible, it would be preferable to locate wastewater leaching areas outside of the designated Zone II wellhead protection areas located on-site. In response to these comments, the Preferred Alternative presented in the DEIR has relocated the wastewater leaching areas outside of the Zone II and will utilize the areas presently occupied by the existing septic systems for the Stone Forge restaurant and the Queset on the Pond Assisted Living Facility as reserve areas for the proposed system.

The alternatives analysis included a comparison of potential environmental impacts associated with a No-Build Alternative, a Chapter 40B Alternative, the Preferred Alternative, and a Modified Alternative. The No-Build Alternative assumes the status quo for the project site and the Chapter 40B Alternative consists of commercial subdivision completed in accordance with existing zoning on the eastern half of the site and six residential condominium buildings (44 units) on the remainder of the site. The Modified Alternative is similar to the Preferred Alternative, but does not include the 50,000 gpd leaching area for potential future use by the Town of Easton. The DEIR provided a thorough analysis of each alternative to demonstrate that the Preferred Alternative avoids, minimizes and mitigates Damage to the Environment as defined in the MEPA regulations.

### *Land Alteration*

The Preferred Alternative will include 18.56 acres of land alteration and 11.8 acres of new impervious area. Portions of the site have been previously altered in association with the development of the Queset on the Pond Assisted Living Facility, Stone Forge restaurant, and the subdivision roadway (Roosevelt Circle). The DEIR described how use of Low Impact Development (LID) techniques and site design modifications have further reduced impact within wetland resource area buffer zones, along with preserving portions of the undisturbed forested areas on-site.

### *Traffic and Transportation*

The DEIR included an updated traffic study prepared in conformance with EOEEA/EOTPW Guidelines of EIR/EIS Traffic Impact Assessments. The DEIR provided a detailed response to the Executive Office of Transportation (EOT) comment letter on the ENF including updated traffic counts, capacity analyses and a summary of average and 95<sup>th</sup> percentile vehicle queues for each study area intersection. The study area was expanded as directed in the Certificate on the ENF and the DEIR included crash and safety data in accordance with EOT Guidelines. The DEIR included a draft copy of the Queset Commons Transit Study, prepared by the Old Colony Planning Council (OCPC) and funded by the project Proponent, identifying potential transit options associated with the project. The DEIR included a discussion of intersection and on-site mitigation measures to improve traffic operations and potential transportation demand management (TDM) measures to reduce single occupancy vehicle (SOV) trips.

### *Air Quality*

The DEIR included an air quality mesoscale analysis, as the projected new daily vehicle trips associated with the project triggers MassDEP's review threshold of 6,000 daily trips for mixed-use projects. Mesoscale emissions of volatile organic compounds (VOCs) and oxides of nitrogen (NO<sub>x</sub>) were calculated for four scenarios: 2008 existing, 2013 No-Build, 2013 Build, and 2013 Build with Mitigation. The analysis used the U.S. EPA MOBILE 6.2 Mobile Source Emission Factor Model, and followed a protocol approved by MassDEP. The analysis determined that the project will result in a minor increase in VOCs and NO<sub>x</sub> within the project study area between the 2013 Build and 2013 No Build scenarios. The Proponent will implement a TDM program and construct roadway/traffic signal improvements to achieve small reductions in VOCs and NO<sub>x</sub> emissions compared to the 2013 Build Case. The project's mobile source emission impacts will not exceed or contribute to an exceedance of National/State Ambient Air Quality Standards.

### *Greenhouse Gas Emissions (GHG)*

The DEIR included a GHG analysis performed in conformance with MEPA's Greenhouse Gas Emissions Policy and Protocol (the Policy). The Policy requires projects to quantify carbon dioxide (CO<sub>2</sub>) emissions and identify measures to avoid, minimize or mitigate

such emissions. The GHG analysis evaluated CO<sub>2</sub> emissions for three alternatives as required by the Policy including 1) a Base Case corresponding to the 7<sup>th</sup> Edition of the Massachusetts Building Code with the 2006 and 2007 International Energy Conservation Code (IECC) supplements, 2) a Preferred Alternative, which included the proposed energy saving design features, and 3) an Additional Mitigation Alternative, which included additional energy saving elements and TDM measures. The Proponent used the Tech Environmental Energy Model to perform the GHG analysis and has committed to constructing the project in accordance with those energy saving measures modeled in the Additional Mitigation Alternative.

The DEIR provided several tables outlining GHG reduction measures associated with project siting, building design and operations, and transportation that were considered as part of the project. The DEIR evaluated the additional GHG mitigation measures and alternatives as suggested by MassDEP and the Department of Energy Resources (DOER) and directed in the Certificate on the ENF. The DEIR described the specific measures to be implemented in each building (based conceptually on the anticipated use, etc.), the WWTF building and parking garages, and provided supporting data on anticipated CO<sub>2</sub> reduction benefits. The DEIR explained trade-offs inherent in the evaluation and application of potential GHG reduction measures. The DEIR also included an analysis of a 50-kW photovoltaic (PV) system (owner operated) on the roof of the proposed food market. After calculating the economics of PV installation using the Massachusetts Technology Collaborative (MTC) "Non-Residential Rebate and Savings Estimator," it was determined that the PV system appears financially infeasible at this time, despite the consideration of all available federal and State tax credits.

As noted in the DEIR, the project's GHG emissions include direct emissions of CO<sub>2</sub> from natural gas combustion for heating and indirect emissions of CO<sub>2</sub> from project generated motor vehicle trips and electricity used for lighting, building cooling and ventilation, and operation of other equipment inside the project buildings.

The GHG analysis estimated the stationary source Base Case total CO<sub>2</sub> emissions at 6,255 tons per year (tpy). Under the stationary source Preferred Alternative, utilizing mitigation measures as identified in the DEIR, the total CO<sub>2</sub> emissions were estimated at 5,137 tpy, a reduction of 17.9% from the Base Case. Finally, in the stationary source Additional Mitigation Alternative, which implements the same mitigation measures modeled in the Preferred Alternative and adds cool roof design, more energy efficient lighting and third-party building commissioning, total CO<sub>2</sub> emissions were estimated to be 4,947 tpy, for a total reduction of 20.9% in comparison to the Base Case.

Mobile source emissions were modeled using data gathered as part of the mesoscale study. The GHG analysis estimated CO<sub>2</sub> emissions for the 2013 No Build conditions, 2013 Build conditions, and 2013 Full Build with Mitigation conditions. The 2013 No-Build conditions are estimated to have approximately 41,570.6 tpy of CO<sub>2</sub> attributable to traffic (the Base Case) within the mesoscale study area. Under the 2013 Build conditions, the project will contribute an estimated 6,310.8 tpy of CO<sub>2</sub>, for a total of 50,654.1 tpy within the project study area. Under the 2013 Build with Mitigation conditions, the project will contribute an estimated 6,184.6 tpy of CO<sub>2</sub>, for a total of 50,527.9 tpy within the project study area. This appears to

result in a reduction of mobile source GHG emissions of 2.0% between the 2013 Build and 2013 Build with Mitigation scenario.

Total GHG emissions, indirect and direct emissions attributable to stationary sources and indirect emissions attributable to mobile sources, are estimated at 11,132 tpy, a 1434.0 tpy reduction from the Base Case total of 12,566 tpy (a 11.4% overall project reduction).

### *Wetlands*

The DEIR contained a discussion of on-site wetland resource areas including: corresponding plans, a characterization of resource areas in accordance with 310 CMR 10.00, a discussion of wetland resource area significance, and calculations of temporary and permanent impacts to each wetland resource area. The DEIR also indicated that wetland replacement/restoration areas are proposed to mitigate wetland impacts associated with the project. These wetland replacement areas will be designed in accordance with the Performance Standards set forth in 310 CMR 10.55(4)(b)(1-7). The DEIR included a detailed description and conceptual design plans for the proposed stream crossing which will comply with the *Massachusetts River and Stream Crossing Standards, March 1, 2006*. The DEIR conceptually described the potential wetland impacts from two small intermittent stream crossings associated with a network of walking trails off-site proposed by the Town of Easton, which may connect to the on-site walking trails. Finally, the DEIR proposed a series of erosion and sedimentation control measures for implementation during the construction period. These measures will be in place to limit impact to wetland resource areas during construction.

### *Stormwater*

The DEIR provided a description of existing and proposed stormwater conditions on-site. The proposed conditions include a network of LID stormwater best management practices (BMPs) designed to decentralize stormwater treatment and promote recharge. Clean sources of runoff will be stored in cisterns for irrigation use on-site. Due to the presence of the Zone II wellhead protection area and the projected high parking and traffic generation, the project must meet higher water quality pretreatment standards under the MassDEP Stormwater Management Regulations. The DEIR included a discussion of how the project will comply with the ten (10) standards outlined in the MassDEP Stormwater Management Regulations. The DEIR contained a draft Operation and Maintenance Plan for the stormwater management plan, including a discussion of maintenance requirements for the LID BMPs.

### *Water Supply*

The DEIR provided a breakdown of the estimated average daily water demand for the project, based on a calculation of 50% of the Title 5 maximum daily design values. The DEIR has estimated that an additional 35,000 to 40,000 gpd of water will need to be supplied to by the Town of Easton to accommodate the project. This water demand will be in addition to the existing 11,625 gpd water demand associated with the existing on-site uses. The project site will rely on a stormwater collection and storage system to satisfy on-site irrigation demands. The DEIR assessed the feasibility recycling treated wastewater effluent for on-site uses such as toilet

flushing. While this process was deemed infeasible given the types of uses on site and demand for recycled wastewater, the project will incorporate water conservation measures such as low-flow toilets and faucets to reduce project water demand.

### *Wastewater*

The DEIR provided calculations of the estimated wastewater flows generated by existing on-site uses and the proposed new construction. With consideration for some reserve capacity, the overall project area wastewater design flow is estimated at 100,000 gpd. Additionally, the Proponent has designed the wastewater treatment facility (WWTF) to be readily reconfigured to accommodate an additional 50,000 gpd of flows from off-site sources. The construction of the collection, treatment and effluent disposal facilities for these future off-site flows would be responsibility of the Town of Easton, not the Proponent.

The DEIR described a WWTF that will be constructed to meet Class I Drinking Water Standards and MassDEP Water Reuse Guidelines. The proposed WWTF will treat and disinfect wastewater flows using a Membrane Bioreactor (MBR) equipped with ultraviolet light disinfection and supplemental ozone oxidation system prior to discharge to the effluent disposal facilities (now located outside the Zone II wellhead protection area). The DEIR described how the WWTF will be designed in accordance with MassDEP groundwater discharge regulations, outlined anticipated MassDEP Groundwater Discharge Permit effluent limits, and how expansion of the system could be incorporated on-site. The DEIR clearly depicted the relationship of the project site to nearby public water supply wells, Zone II wellhead protection areas, and wetland resource areas.

The DEIR discussed the results of preliminary hydrogeologic investigations conducted on the project site, the purpose of which was to assist in the determination of where wastewater disposal areas should be located, evaluate groundwater mounding effects of wastewater leaching, and assess the potential impact of wastewater disposal on three Town of Easton water supply wells. The DEIR reviewed the existing hydrogeologic setting, site investigations and data collection performed to date, study methodology, and study results. A nutrient loading assessment was performed and data presented in the DEIR. Finally, the DEIR included a discussion of potential impacts of Pharmaceutical and Personal Care Product (PPCPs) within the wastewater stream and treatment measures to be incorporated into the WWTF.

### *Historic and Archaeological Resources*

The DEIR summarized previous archaeological investigations conducted at the site. As part of the permitting of the Queset on the Pond Assisted Living Facility (f/k/a/ Continuum Care Park), an ancient archaeological site (Morse's Pond Site: 19-BR-480) was identified subsequent to an intensive (locational) archaeological survey. The DEIR provided additional information on studies conducted at the direction of the Massachusetts Historical Commission (MHC) for both the Morse's Pond Site and the remainder of the project site (the Queset Site). These surveys concluded that the Morse Pond Site is eligible for listing in the State and National Registers of Historic Places while the Queset Site is considered potentially eligible for listing in the State and National Registers of Historic Places. The DEIR indicated that avoidance of the Queset Site has

been recommended to the Proponent through redesign, or if determined to be significant through further investigation and the site cannot be avoided, the Proponent will need to work with MHC to develop a plan to mitigate impacts to these sites. This may involve formulating a data recovery program for potentially impacted areas. Changes to the layout of the wastewater leaching areas since the filing of the ENF has reduced the potential impact to the Morse Pond Site. Impact to the Morse Pond Site would be limited to the area of the Town's future 50,000 gpd wastewater disposal area. If the Town pursues this wastewater treatment option, the Town would need to work with MHC to establish a data recovery program for potentially impacted areas of the Morse Pond Site.

### *Construction Period Impacts*

The DEIR discussed potential construction period impacts including traffic, noise and vibration, construction equipment emissions, dust, erosion and sedimentation controls, and construction period recycling measures. The Proponent will prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the NPDES CGP requirements for implementation during the construction period.

### *Mitigation and Section 61 Findings*

The DEIR contained a discussion of proposed mitigation measures to offset the potential environmental impacts associated with the project. The DEIR provided a summary table of each mitigation category, proposed measures and identified their schedule for implementation. The DEIR included draft Section 61 Findings for MassDEP for the Groundwater Discharge Permit and MassHighway for the Vehicular Access Permit.

## SCOPE

While I am allowing the proponent to proceed to the preparation of an FEIR, I note the requests for additional information to assist State agencies with future permitting processes. I anticipate that the FEIR will respond to the scope outlined below with sufficient detail to address the requests of State agencies. I retain my authority to require further review in the form of a Supplemental Final Environmental Impact Report if issues outlined in this Scope and in comments are not thoroughly addressed in the FEIR.

The FEIR should follow Section 11.07 of the MEPA regulations for outline and content, as modified by this Certificate. The FEIR should outline any changes in the project between the DEIR and FEIR.

### Land Alteration

The DEIR stated that as a tradeoff for moving the wastewater leaching areas outside of the Zone II wellhead protection area the overall site base elevation will need to be raised to reduce the effects of groundwater mounding on building elevations and the underground parking areas. The FEIR should provide additional details on the volume of anticipated fill, changes in



elevations between existing and proposed conditions, anticipated traffic trips associated with importation of fill materials and erosion and sedimentation controls specifically targeted at mitigating the impacts of earth movement activities.

### Traffic and Transportation

The comment letter from the EOT has outlined several additional transportation-related issues that should be evaluated in the FEIR. The FEIR should provide more detailed information on the source of the empirical data used to estimate the trip generation figure associated with the conference center component of the development, as requested by EOT. The FEIR should also clearly indicate how the trip volumes are distributed across the site access points for each land use type.

The DEIR proposed various mitigation measures correlated to two phases of project development; Phase I, encompassing construction of all the residential units and 85,000 sf of retail/office space, and Full Build, encompassing the completion of the development program. The FEIR should specifically address EOT's requirement that the Route 138/Roosevelt Circle intersection be signalized prior to Phase I occupancy and that the geometric improvements at the Route 123/Route 138 intersection be implemented as part of Phase I mitigation. Additionally, the FEIR should address the potential standing queue, turning vehicles and weaving movements that may compromise safety along the segment of Route 138 near the third access driveway located near the Conoco Gas driveway. The FEIR should evaluate options for eliminating this new access point, coordinating with Conoco Gas to consolidate site access, or possibly relocating the existing driveways. If significant modifications are made, the FEIR should update the traffic study to reflect changes in Levels of Service, trip distribution, etc.

EOT has noted that the Route 123/Pearl Street and Route 138/Purchase Street intersections have high crash rates and therefore the proposed mitigation of signal timing improvements may not be sufficient for these intersections. The Proponent should work with the Public/Private Development Unit and MassHighway to identify potential improvements at these intersections. The FEIR should provide an update on these consultations and if required, provide a clear commitment to implement these improvements. The FEIR must include plans of standard 80-scale (not reduced versions) to verify the feasibility of constructing the proposed improvements at the site driveways and the Route 123/Pearl Street, Route 138/Purchase Street, and Route 138/Turnpike Street intersections. The conceptual plans should be provided as directed in the EOT comment letter. Finally, the FEIR should address the OCPC comments on the DEIR on the proposed mitigation measures associated with the project and I hereby incorporate by reference the OCPC comment letter as part of this scope.

The DEIR indicated a project commitment to several TDM measures including: a guaranteed ride home program, designation of an on-site transportation coordinator, off-peak delivery hours, bicycle and pedestrian connections, preferential parking for carpoolers, provision of bike lockers and storage facilities, and investigation of the establishment of a Transportation Management Association (TMA). EOT has indicated that given the 40R smart growth nature of

the project, the project will be held to a high standard of transit, walking and bicycling promotion. Therefore, additional TDM measures should be explored as part of the FEIR.

As directed by EOT, the FEIR should describe the results of continuing discussions with OCPC, Brockton Area Transit (BAT) Authority, MassRides, and area businesses on the transit service and TMA programs. These discussions should translate into a concrete plan to implement public transit to service the site when supported by sufficient and sustainable ridership. I note that the Proponent indicated a willingness to provide a shuttle to the nearest MBTA commuter rail station in the ENF, but did not provide further commitment in the DEIR. The FEIR should elaborate on the plans to provide shuttle service to the site. The FEIR should enhance the proposed TDM program to include specific incentives geared towards promotion of public transportation, such as a transit pass reimbursement program. To accommodate transit on-site, the FEIR should discuss commitments to construct and maintain amenities associated with transit service (such as shelters, route information, etc.). The FEIR should clearly depict pedestrian and bicycle routes, both within the project site and connections to adjacent properties. I encourage the Proponent to consider the provision of car sharing (ZipCar or similar) parking spaces within the project site to provide additional transit options. Additional measures to promote bicycle use, such as the installation of showers and changing areas and covered bicycle parking should be contemplated in the FEIR.

A common hurdle in the implementation of a successful TDM program is the difference in roles played by the project developer and future tenants to encourage reductions in traffic trips. The DEIR TDM program includes several measures that the developer will “suggest” to tenants to achieve trips reductions, such as: alternative work schedules, rideshare matching, direct deposit for employees, use of pre-tax dollars for alternative mode commuting costs, and transit pass subsidies. These are all effective TDM measures, but without a commitment to implement these measures, the true air quality benefit remains unclear. As recommended by MassDEP, the FEIR should contemplate how lease agreements, a tenant manual, or other means, including a funding commitment, will ensure implementation and maintenance of these TDM measures.

I encourage the Proponent to consider expanding the transportation monitoring plan to reflect the timelines, scope and frequency of monitoring suggested by the OCPC comment letter on the DEIR. I request that the Proponent clarify the discrepancy between the estimated completion of construction based upon the phasing plan presented in the DEIR (6 to 7 years in duration) with the estimated 2013 Full Build traffic conditions, as they do not appear to coincide.

### GHG Emissions

I commend the Proponent for committing to implement the GHG reduction measures outlined as part of the Additional Mitigation Alternative, with an estimated stationary source GHG reduction of 20.9% in comparison to the Base Case. As part of the FEIR, the Proponent should clarify several items as identified by MassDEP and the Department of Energy Resources (DOER) comment letter and further refine the GHG analysis to evaluate additional opportunities for GHG mitigation.

The DOER comments have requested clarification, or if necessary, revised modeling pertaining to the provision of high-albedo roofing and the factoring of solar heat gain with regard to potential GHG reductions associated with overall building heating and cooling estimates. The FEIR should respond to these requests from DOER. The FEIR should provide the minimum efficiency rating for the proposed furnaces to clarify the “increase furnace efficiency” GHG mitigation measure modeled in the analysis. If feasible, the FEIR should provide details on the HVAC units to be used on-site in the Additional Mitigation Alternative, including the proportion of units that will have an Energy Efficiency Rating (EER) of 11.0 compared to those with an EER of 11.5. The FEIR should provide details of the assumptions, methodology, and reference to support the overall electric and gas usage reductions attributable to duct sealing reported in the DEIR. Additionally, the FEIR should include lighting power levels for each of the buildings resulting from the commitments to T-5 and T-8 fixtures and demonstrate that they result in levels below those required by the Base Case. Finally, as recommended by DOER, the Proponent should contact local utilities that service the site to determine potential programs and incentives that are available for both the incorporation of energy savings measures and provide an update on these opportunities in the FEIR.

In response to DOER’s suggestion, the FEIR should provide additional information regarding the feasibility of a combined heat and power (CHP) system for the assisted living facility. A more detailed assessment should include the benefits offered to qualifying CHP systems under the Alternative Energy Portfolio Standard portion of the Green Communities Act, utility incentives programs and federal tax credits.

The DEIR included a PV feasibility analysis for a 50-kw system on the 10,000 sf of roof space available on the food market building. The FEIR should clarify how the size of the proposed system was determined (i.e. available roof space or potential facility energy demand) and evaluate whether third-party leasing options would be more viable than private ownership of the PV system. As noted by DOER, the FEIR should clarify which MTC calculator was used to perform the solar analysis and provide a revised analysis if an updated estimating tool is available. The FEIR should calculate the potential GHG reductions associated with installation of a PV system on the food market building. Based upon the results of the revised PV analysis, I strongly encourage the Proponent to reconsider the implementation of a PV system on-site, as a PV system could further reduce project-related GHG emissions. The DEIR states that the Proponent is willing to consider strengthening the flat portion of the food market building to allow for possible future PV installation. The Proponent should make a firm commitment to this mitigation measure in the FEIR, along with ensuring that rooftop mechanicals are placed to allow for optimization of a future PV array.

I note that the DEIR included modeling of GHG reductions associated with the WWTF building. The FEIR should discuss and quantify further GHG reductions that may be achieved through the incorporation of energy efficient mechanicals (i.e. pumps, etc.) within the facility.

The FEIR should clarify which TDM measures were modeled as part of the mobile source GHG analysis. The DEIR states that a 2% reduction in project daily traffic is expected in response to the implementation of the proposed TDM measures, however it is unclear whether a

2% reduction in traffic trips is directly correlated to a 2% reduction in GHG emissions between the 2013 Build and 2013Build with Mitigation case. The FEIR should clarify the results of the mobile source GHG emissions analysis.

### Wetlands

The FEIR should clarify that the wetland resource areas depicted on the plans in the DEIR are consistent with those approved by the Easton Conservation Commission as part of the Order of Resource Area Delineation (ORAD). The FEIR should clarify the location and nature of impacts to Inland Bank and Bordering Land Subject to Flooding (BLSF) at the proposed stream crossing. The FEIR should demonstrate that compensatory storage for BLSF can be provided in accordance with the Wetlands Protection Act regulations. The FEIR should identify conceptual locations for the wetland replication areas. The MassDEP comment letter has also provided information to assist the Proponent in the preparation of the project's Notice of Intent (NOI) filing.

### Stormwater

While the DEIR contained narrative information describing how the project intends to comply with the MassDEP Stormwater Management Regulations, the DEIR did not contain stormwater management calculations as directed in the Certificate on the ENF. The FEIR should provide calculations demonstrating that the proposed stormwater BMPs will be capable of achieving the Total Suspended Solids (TSS) removal rates and peak rates of discharge as indicated in the DEIR. The FEIR should also include a graphic depicting existing and proposed drainage sub-catchments within the project site. The FEIR should discuss the treatment of stormwater flows within the MassHighway layout and roadway improvement areas.

### Wastewater

The FEIR should include information on the additional water level monitoring and hydrogeologic modeling proposed to continue throughout the summer of 2009. The DEIR noted that these data would be included in the FEIR and Hydrogeologic Assessment Report to be submitted to MassDEP as part of the Groundwater Discharge Permit Application.

### Historic and Archaeological Resources

The FEIR should include an update on archaeological investigations performed on-site and discussions with MHC, as applicable. The DEIR notes that the Proponent intends to engage a consultant to complete a Site Examination of the Queset Site to determine the boundaries and to provide a determination of significance. The FEIR should describe any additional measures to avoid, minimize, mitigate impact to archaeological resources on-site subsequent to the performance of additional surveys.

As part of the ongoing archaeological investigations on-site being performed by the Proponent's consultant, Public Archaeology Laboratory (PAL), MHC has requested additional information to clarify the boundaries of the Morse Pond Site and its relationship to the Town's future 50,000 gpd wastewater leaching field. MHC has noted that the Morse Pond Site may be avoided in its entirety through further project design revision. MHC has requested that an archaeological avoidance and protection plan be prepared for the Morse Pond Site to protect the site during construction. The FEIR should clarify how the Morse Pond Site will be protected during the initial phase of construction (the 100,000 gpd leaching fields associated with the Proponent's project) and conceptually discuss contingencies to ensure that, should the additional 50,000 gpd facility be constructed by the Town, the Morse Pond Site will be protected in accordance with an approved archaeological avoidance and protection plan.

### Construction Period Impacts

The FEIR should reevaluate participation in the MassDEP Diesel Retrofit Program as a way to mitigate construction period impacts of diesel emissions. The Proponent should work with MassDEP staff to implement construction-period diesel emission mitigation, which could include the installation of after-engine emission controls such as oxidation catalysts or diesel particulate filters. If the Proponent intends to participate in these initiatives, the FEIR should include a clear commitment to such measures. I also encourage the Proponent to consider the use of ultra low sulfur diesel (ULSD) fuel in off-road engines, which contains less sulfur than the required low sulfur diesel (LSD).

### Mitigation / Draft Section 61 Findings

The FEIR should include a separate chapter updating and summarizing proposed mitigation measures. This chapter should also include separate permit-specific updated draft Section 61 Findings for each State agency that will issue permits for the project. The draft Section 61 Findings should contain clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation.

It is anticipated that the Proponent will be required to provide a certification to the MEPA Office indicating that the mitigation measures identified in the MEPA process have been incorporated into the project. As the Secretary typically directs MassHighway to incorporate this self-certification requirement into its Section 61 Finding for both the mobile and stationary source GHG emission components of this project, the draft Section 61 Findings in the FEIR should include this self-certification requirement.

Comments/Circulation

The FEIR should contain a copy of this Certificate and a copy of each comment letter received. The FEIR should respond fully to each substantive comment received to the extent that it is within MEPA jurisdiction. The FEIR should present additional technical analyses and/or narrative as necessary to respond to the concerns raised.

The proponent should circulate the FEIR to those parties who commented on the ENF, to any state agencies from which the proponent will seek permits or approvals, and to any parties specified in section 11.16 of the MEPA regulations. A copy of the FEIR should be made available for review at the Easton Public Library.

May 29, 2009

Date



Ian A. Bowles

## Comments received:

05/18/2009 Massachusetts Historical Commission  
05/22/2009 Executive Office of Transportation  
05/27/2009 Massachusetts Department of Environmental Protection – SERO  
05/26/2009 WalkBoston  
05/27/2009 Old Colony Planning Council

IAB/HSJ/hsj