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

PROJECT NAME: Westfield Pavilion  
PROJECT MUNICIPALITY: Westfield  
PROJECT WATERSHED: Westfield  
EOEA NUMBER: 13819  
PROJECT PROPONENT: City of Westfield and National Realty & Development Corporation  
DATE NOTICED IN MONITOR: April 25, 2007

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.08 of the MEPA regulations (301 CMR 11.00), I hereby determine that the Draft Environmental Impact Report (DEIR) submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (MEPA) (G. L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00).

Project Description

As described in the Draft Environmental Impact Report (DEIR), the project involves the construction of an approximately 810,000 square foot (sf) shopping center and a 106-room hotel on a 217-acre site in Westfield. The project is proposed as a public-private partnership between the City of Westfield and National Realty and Development Corporation (jointly, the proponent). The site plan in the DEIR remains conceptual, because actual tenants have not yet been identified. The proponent expects that site tenants will include a home improvement store, a mix of other large retailers, a hotel, five restaurants and a bank.

The project also includes the construction of a new access road, a new bridge over the

Massachusetts Turnpike and a new ramp providing access to the eastbound side of the Turnpike. The project site is situated to the east of the Westfield-Barnes Airport and is proximate to both Exit 3 of the Massachusetts Turnpike and the intersection of Routes 10 and 202. The site is largely wooded, and a large wetland system associated with Pond Brook bisects the property. The site is within a Department of Environmental Protection (MassDEP) designated Zone II for Westfield public water supply wells and within a high yielding portion of the Barnes Aquifer.

Access to the site is currently provided by Sergeant T. M. Dion Way, an 18-foot wide road. This roadway intersects with Route 10/202 less than 1,500 feet north of the Massachusetts Turnpike Ramp (Exit 3) and is owned and maintained by the City of Westfield. The project includes constructing a bridge over the Massachusetts Turnpike just east of the ramp for Exit 3, which will connect to Sergeant T.M. Dion Way and upgrading a portion of Sergeant T.M. Dion Way, which is unimproved where it enters the project site. Sergeant T.M. Dion Way will be paved and widened to accommodate a four-lane cross-section, allowing site access by two travel lanes in each direction. The project is anticipated to generate 23,060 new daily vehicle trips and will require the construction of 4,518 new parking spaces.

In a significant change since the filing of the Environmental Notification Form (ENF), the project also includes construction of a new entrance to Route I-90 Eastbound on the south side of the Turnpike. According to the proponent, this change will increase capacity and, combined with other portions of the Westfield Pavilion mitigation package, improve operations along Route 10/202 in the vicinity of the I-90 interchange.

Two previous projects on this site have undergone MEPA review. In October, 1995 an ENF was filed for a Hotel/Distribution/Warehouse project on the site (EOEA #10498). A Certificate issued by the Secretary in June of 1997 indicated that the DEIR prepared for the project was adequate. No Final EIR was ever filed for the project. In December of 2003, an ENF was filed for the Owen District Road Development (EOEA #13170), a warehouse, office and distribution facility. A Certificate on the ENF was issued in January 2004 that set forth a scope for an EIR. No subsequent MEPA filings were made for this project.

### Jurisdiction and Permitting

The project is undergoing MEPA review and requires the preparation of an EIR pursuant to Section 11.03(1)(a)(1) and 11.03(1)(a)(2) of the MEPA regulations, because it will result in the direct alteration of more than 50 acres of land and the creation of more than 10 acres of new impervious surface; and Section 11.03(6)(a)(6) and 11.03(6)(a)(7), because the project will result in more than 3,000 new average daily vehicle trips (adt) and require the construction of more than 1,000 new parking spaces. The project also exceeds the following ENF review thresholds: Section 11.03(2)(b)(2) because the project will result in a "take" of a species protected pursuant to the Massachusetts Endangered Species Act and Section 11.03(6)(b)(1)(b) because the project will require the widening of an existing roadway by four or more feet for ½ or more miles.

The project requires the following permits and/or review: a National Pollutant Discharge and Elimination System (NPDES) Construction General Permit from the U.S. Environmental

Protection Agency (EPA); a Notice of Proposed Construction/Alteration and a possible Release of Land from the Federal Aviation Administration (FAA); a Sewer Connection/Extension Permit and a possible 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP); an Access Permit from the Massachusetts Highway Department (MHD); a Conservation and Management Permit from the MA Division of Fisheries and Wildlife (DFW) Natural Heritage and Endangered Species Program (NHESP); a Lease Agreement and Work Permit from the Massachusetts Turnpike Authority (MTA); and a possible Release of Land from the Massachusetts Aeronautics Commission (MAC). At the local level, the project requires Site Plan Approval and a Special Permit from the Westfield Planning Board; and an Order of Conditions from the Westfield Conservation Commission.

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 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 extends to land alteration, stormwater, transportation, air quality, wetlands, rare species, wastewater and aviation issues.

### Review of the DEIR

The 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. I have fully examined the record before me, including but not limited to the Scope issued on July 7, 2006, the DEIR filed in response; and the comments entered into the record. I find that the DEIR is sufficiently responsive to the requirements of the MEPA regulations and the Scope to meet the regulatory standard for adequacy.

While I am finding the DEIR to be adequate and while the proponent has provided a considerable amount of information on project design and impacts, there are several unresolved issues and numerous discrepancies in baseline data that must be addressed for the Final EIR (FEIR) to be found adequate. In particular, the FEIR must address concerns from MassDEP and the public regarding potential adverse impacts to groundwater; compliance with MassDEP wetlands and stormwater regulations; and issues related to traffic and rare species mitigation. The FEIR should respond to the issues outlined in this Certificate and respond in detail to comments submitted on the DEIR.

## **SCOPE**

### General

The FEIR should discuss any changes to the project since the filing of the DEIR and provide an update on the local and state permits required for the project. The FEIR should contain a copy of this Certificate and a copy of each comment received. The FEIR should

respond to the comments received from state and local agencies and from members of the public. The FEIR should present additional narrative and/or technical analysis as necessary to respond to the concerns raised.

The FEIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should be sent to any state agencies from which the proponent will seek permits or approvals, to the list of "comments received" below, and to Westfield officials. A copy of the FEIR should be made available for public review at the Westfield Public Library.

### Permitting and Consistency

In its discussion of the project's consistency with local and regional growth management plans, the proponent states that the proposed project is located in an area zoned for industrial development. While the project will require a Special Permit and approval from the Planning Board regarding the building footprint and wastewater generation, it is below the maximum height allowable and will cover less than 50 percent of the parcel. The Pioneer Valley Planning Commission (PVPC) notes in its comments on the DEIR that given the zoning of the parcel and the existing industrial uses in close proximity to the project, the preliminary site plan is not inconsistent with the Regional Land Use Plan for the Pioneer Valley Region.

The Certificate on the ENF required that the proponent discuss how the project will impact recent City of Westfield efforts to revitalize its downtown. According to the DEIR, the City perceives its downtown revitalization efforts and the Westfield Pavilion project as complementary undertakings. Because of the large size of the proposed retail establishments, the Westfield Pavilion project will draw consumers from a much wider region than will stores in downtown. The proponent also states that a significant number of consumers will use local roadways to access the Westfield Pavilion site and believes that many will combine their trips to the project site with downtown shopping and service-related activities.

The DEIR has provided an adequate discussion of the project's consistency with local and regional planning guidelines. The FEIR should focus on site specific issues related to the impact of this large development on an environmentally sensitive parcel.

### Alternatives

In the DEIR, the proponent presented an alternatives analysis that considered site use and design; building and parking layout; and site access. The alternatives analysis takes into account the two primary objectives of the Westfield Pavilion project. The first goal of the developer and the City of Westfield is to enable the development of the project site, which will result in social and financial benefits to the City and region. The second goal is to alleviate the significant traffic congestion currently experienced in the vicinity of Interchange 3 to the Massachusetts Turnpike. Alternatives presented in the DEIR that do not meet the proponents' development objectives were eliminated from further consideration.

Access alternatives for the site that were considered include modifications to the Route 10/202 interchange, a northbound double left-turn onto the I-90 ramps, the construction of additional toll booths at Exit 3, and the construction of a new I-90 eastbound on-ramp. According to the DEIR, existing traffic operations in the vicinity of Exit 3 suffer from excessive vehicle delays and queuing, which can also affect the safety of the I-90 mainline as queues occasionally extend onto the roadway. The proponent concludes that the construction of a new I-90 eastbound on-ramp will significantly improve existing and future traffic operations at the interchange and on the turnpike mainline.

The DEIR presented four development alternatives for the site: the no-build alternative, a warehousing subdivision, a mixed used development featuring warehousing and office, and the preferred shopping center/hotel alternative. The proponent discounts the no-build alternative as being inconsistent with the City of Westfield's economic development goals and because it does not take advantage of the site's proximity to the Massachusetts Turnpike. The warehousing subdivision and mixed-use alternatives were eliminated from further consideration because they would not generate sufficient revenue to construct the proposed bridge over the turnpike or the new eastbound on-ramp.

The proponent concludes that the preferred alternative provides the greatest benefit to the City of Westfield with the least amount of unavoidable environmental impact. The proponent considers the current preferred alternative to be the reduced build alternative due to the reduction in impervious surface from the project as outlined in the ENF. In addition, the proponent states that the preferred alternative would significantly minimize the project's potential impacts through the construction of a new eastbound on-ramp to the Turnpike. This reduction in traffic impacts correspondingly results in a reduction in air quality emissions associated with traffic delays. The proponent asserts that the Westfield Pavilion project will produce revenues sufficient to justify and support the construction of the proposed roadway improvements that will improve existing congestion at the Exit 3 toll plaza and benefit the greater community.

The proponent must provide clarification of data presented in the DEIR's alternatives analysis. The ENF alternative proposed the construction of an approximately 813,000 sf retail and commercial space with 4,709 parking spaces. The proponent states in the DEIR that the preferred alternative presents a reduced build design from what was proposed in the ENF. According to the ENF, the project was anticipated to create 94 new acres of impervious surface. In the DEIR the proponent states that a reduction of 191 parking spaces, the conversion of 637 regular parking spaces to compact spaces and the modification of on-site roadways will result in the reduction of 3 acres of impervious surface (see pages 2-4, 3-1, 3-12 and 3-23). However, in Table 3-1 on page 3-19 of the DEIR, the proponent states that the ENF alternative would have disturbed 115 acres and created 94 acres of new impervious surface while the preferred alternative would have disturbed 104 acres and create 75 acres of new impervious surface. The DEIR does not explain the discrepancy between these numbers or how the reduction in 11 acres of disturbed area and 19 acres of impervious surface was achieved.

The FEIR should also address comments from the PVPC and the Barnes Aquifer Protection Advisory Committee (BAPAC) regarding significant discrepancies in project size and impacts in the DEIR. In Section 2.0 and Section 3, the site is described as 217-acres. However

Section 7.2.3 describes the site as 150 acres, and it is this number that is used for all stormwater runoff calculations. The proponent should discuss what level of site imperviousness was used to calculate stormwater runoff projections and should recalculate as necessary in the FEIR.

The number of proposed parking spaces was developed by combining the required number of parking spaces set forth in the City Regulations with the developer's anticipated needs for parking, based on the assumed tenants. As a result, the total parking supply is greater than the amount required under local zoning. To offset this difference, the proponent proposes to allot 14% of the total parking spaces as compact. Of the 4,518 parking spaces proposed, 637 will be compact. The DEIR project description states that the number of parking spaces proposed for the project has been reduced from 4,709 to 4,518, a reduction of 191 spaces. However, a discussion of measures to reduce the amount of impervious cover on-site on page 3-23 states that proposed site plan modifications will result in a reduction of 595 parking spaces. The FEIR must clarify the number of proposed parking spaces for the project. In addition, the proponent should state the number of parking spaces that would be required by local zoning and the resulting amount of impervious surfaces that would be created by that number. The alternatives analysis should consider design layouts that could result in a reduced parking supply for the project and could reduce trips between uses on site. Parking demand management should be a key component of the overall mitigation analysis.

#### Land Alteration/Drainage

The DEIR included a Drainage Report for the project that modeled existing and post-construction runoff rates for the project site. As discussed above, it is imperative that the proponent resolve discrepancies with data provided on land alteration and site imperviousness in the DEIR in order to provide an accurate analysis of stormwater impacts and treatment measures. The DEIR provided a discussion of the project's compliance with the applicable MassDEP Stormwater Management Policy (SMP) standards. In its comments on the DEIR, MassDEP states that as designed, the project does not comply with 4 of the 9 SMP standards. The FEIR must demonstrate the project's compliance with the MassDEP policy.

Many comments on the ENF and DEIR raised concerns about the creation of so much impervious surface and the potential for groundwater contamination at this particular site. The project site is located within a Zone II Aquifer Protection District for the City of Westfield Municipal Wells No. 1, 2, 7 and 8 and above a portion of the Barnes Aquifer between Municipal Wells No. 7 and No. 1. Flow in this portion of the aquifer is from north to south toward Well No. 1. The Barnes Aquifer is the second largest regional aquifer in Massachusetts as well as a federally designated Sole Source Aquifer that constitutes a primary water supply for three municipalities. According to the City of Westfield Water Department, the aquifer in which the wells are located is a sand and gravel aquifer. MassDEP's 2003 Source Water Assessment and Protection (SWAP) Report identified Wells No. 1, 2, 7 and 8 as highly vulnerable to contamination due to the absence of hydrogeologic barriers (i.e. confining clay layer) that can prevent contaminant migration from activities on the land surface. In addition, Pond Brook also flows through the Zone I of Wells No. 1 and 2 and within 100 feet of each wellhead. Reduced water quality of Pond Brook could impact the quality of water recharged to the City's wells.

According to the DEIR, the project's stormwater management system will feature a "process train" of Best Management Practices (BMPs) including roadway and parking lot sweeping, deep sump hooded catch basins, stormwater quality units, and detention and retention basins. The proponent states in the DEIR that the stormwater management system will ensure that post-development runoff rates match or are less than pre-development rates. The proponent should respond to comments from MassDEP that the project does not comply with SMP Standard #2, as post-development peak flow is significantly higher than pre-development for all storm events. According to the DEIR, the annual recharge rate from the post-development site will mimic the annual recharge rate from the pre-development site. Treated stormwater will be infiltrated into the ground or discharged by means of attenuation into onsite wetlands and Pond Brook. MassDEP states that the permitted use of infiltration is limited in high potential pollutant loading areas and in drinking water supply recharge areas.

Because the project is considered a land use with Higher Potential Pollutant Loads, the stormwater management system must be designed in accordance with SMP Standard #5. Oil and grease pretreatment will be addressed by the implementation of hooded deep sump catch basins and stormwater quality units. A gate valve dial will be installed at each of the outfalls upstream of the infiltration and outfall locations to prevent contamination in the event of a hazardous spill. The DEIR contained a draft Emergency Spill Response Plan which will be implemented at the site. In response to comments from BAPAC, the proponent should provide the groundwater travel time between the infiltration basins and Well No. 1 at maximum pumping capacity during the driest time of the year to better inform the Emergency Spill Response Plan. This information will help the Westfield WRD know how much time they have to shut down Well No. 1 during a contamination event.

The project site is located within a MassDEP designated Zone II protection area and the City of Westfield's Water Resource Protection Area and thus the project must also comply with Standard #6 for the Protection of Critical Areas. According to the DEIR, the project's drainage system takes into account that the site is located within a sensitive environmental area. The proponent does not anticipate that any of the proposed operations conducted on-site will pose any dangers to groundwater or are considered a prohibited use within a Zone II Aquifer. Future tenants that may sell fertilizers, pesticides or herbicides will be required to keep all these materials covered at all times. The project's stormwater management system is designed to treat the first inch of runoff instead of 0.5 inches per the requirements of Standard #6 of the SMP. Due to the project's proximity to drinking water sources, the proponent will use alternative deicing practices to address concerns related to possible contamination. The proponent will use magnesium chloride in place of salt at proposed building entrances and will use sand everywhere else on the site.

The proponent must address comments from the City of Westfield Water Resources Department (WRD) stating that the project will impact the quality of drinking water at Wells 01G and 02G. According to the City, contaminants passing through the stormwater management systems and infiltrated into groundwater are capable of reaching the intakes of both these wells, which both currently pump untreated groundwater directly into the distribution system. In advance of filing the FEIR, the proponent should meet with the Westfield WRD to determine

mutually agreeable treatment measures that will help to resolve the City's and the public's concerns regarding water quality. Redundancy should be built into the stormwater management system to assure that no pollutants will reach groundwater.

The FEIR should clarify whether monitoring wells will be installed at the project site. Section 7.2.7 of the DEIR states that monitoring wells will be installed downgradient of and in the immediate vicinity of the proposed infiltration basins yet on page 7-40, the proponent states that the proponent does not plan to install groundwater quality or quantity wells on-site. In addition to the monitoring program outlined in Section 7.2.7, the stormwater in infiltration basins should be sampled during one winter and one spring storm annually to ensure that BMPs are effectively removing pollutants and that water is being recharged to the aquifer. All monitoring results should be provided to the Westfield WRD.

The DEIR presents the location and size of five proposed stormwater management basins and states that designs of additional basins will be finalized for the outlots in the southern portion of the site as tenants are identified. According to the DEIR, stormwater management structures will not adversely affect airport operations. The number and size of above-ground infiltration basins are minimal and will be located proximate to the existing Pond Brook. The Division of Fisheries and Wildlife has proposed that Pond Brook and its tributary Bush Brook be designated as a Cold Water Fishery in the next revision of the State Water Quality Standards (SWQS). The proponent does not anticipate that stormwater runoff from the project will measurably increase the water temperature of Pond Brook and create an adverse affect on cold water fishery habitat. The proponent should respond to comments from BAPAC on thermal impacts from impervious surfaces.

An Operations and Maintenance Plan for the proposed stormwater BMPs was submitted as an appendix to the DEIR. In response to comments from MassDEP, the Operations and Maintenance Plan should be in compliance with the maintenance requirements of each proposed structural BMP per Volume II of the Stormwater Management Handbook. The proponent will implement erosion and sedimentation controls during construction and will keep barriers in place until disturbed areas are stabilized. A Stormwater Pollution Prevention Plan (SWPPP) will be integrated into the site plan design.

### Wetlands

Wetland areas identified on the project site include bordering vegetated wetlands (BVW), inland bank, Riverfront Area, Bordering Land Subject to Flooding (BLSF), and land under waterbodies and waterways (LUW). The proponent has obtained an Order of Resource Area Delineation (ORAD) from the Westfield Conservation Commission confirming the delineation of wetland resources areas located adjacent to the existing roadway crossing of Pond Brook. The proponent lists wetland resources in this area as BVW, BLSF, Inland Bank and Riverfront Area. According to the DEIR, the Conservation Commission has not yet approved other wetland resource areas at the project site, having opted to wait until later in the growing season. The proponent will either file a second Abbreviated Notice of Resource Area Delineation requesting confirmation of the remaining wetland resource areas or will include these resource areas in the



project's Notice of Intent filing. The proponent should respond to comments from MassDEP regarding the delineation of wetland resources at the site.

According to the DEIR, impacts associated with the project will be limited to improvements to Sergeant T.M. Dion Way where it crosses Pond Brook, including installation of a new sewer main. This road is proposed to be widened to four lanes as part of the project. The proponent estimates that the project will result in the alteration of 4,852 sf of BVW; 108,748 sf of Riverfront Area; and approximately 668 linear feet of Inland Bank. The proponent will conduct an engineering flood study to determine impacts to BLSF. Following a determination of base flood elevation at the site, impacts to BLSF will be quantified. The proponent will provide compensatory storage at a 1:1 ratio for impacts to flood plain. The proponent provided a discussion of the project's compliance with the Wetlands Protection Act performance standards. Because all of the site's resource areas are not yet approved, MassDEP is unable to determine as to whether or not the project complies with the performance standards in the Wetlands Protection Act regulations.

In its comments on the ENF, MassDEP stated that because the project was at a preliminary level of design and proposed resource area impacts are very close to the 5,000 sf threshold, a 401 Water Quality Certificate may be required. According to Section 7.1.5.1 of the DEIR, the project will result in the permanent fill of 4,852 sf of BVW and the alteration of 1,383 sf of BVW for temporary access, for a total of 6,235 sf of BVW alteration. The proponent should consult with wetlands staff at MassDEP's Western Regional Office to determine if the Water Quality Certificate regulations at 314 CMR 9.03(1) apply to both temporary and permanent impacts. If proposed impacts will exceed 5,000 square feet to "Waters of the Commonwealth" the proponent should discuss how the project will meet the requirements of the 401 Water Quality Certificate Program, including proposed mitigation.

The proponent has identified a conceptual wetland replication area of approximately 9,887 sf adjacent to the BVW impact area. The proponent has committed to a minimum of 2:1 wetland replication on site to be constructed in compliance with MassDEP's *Inland Wetland Replication Guidelines* (2002). The DEIR included a conceptual wetland replication construction sequence and monitoring program. The proponent will finalize details of the replication during the NOI process. In response to concerns from the Barnes-Westfield Airport and the Massachusetts Aeronautics Commission (MAC), the proponent will design mitigation to avoid open water and conditions appealing to waterfowl, and will promote low growth shrub type wetland resources. Because work in the Riverfront Area is proposed as redevelopment, the proposed BVW replication area and compensatory storage area for BLSF are considered alteration and must be included in the Riverfront Area alteration totals.

The new road crossing will necessitate replacement and enlargement of the culvert that carries Pond Brook below the roadway. The proponent should discuss how the proposed new structure will meet or exceed the U.S. Army Corps of Engineers Stream Crossing Standards. The proponent should also consider the impact of the project to the culvert system that carries Pond Brook under the Massachusetts Turnpike.

### Rare Species

According to the 12<sup>th</sup> edition of the *Massachusetts Natural Heritage Atlas of Priority Habitats for Rare Species*, the project site is mapped as Priority Habitat for the following species: New Jersey Tea Inchworm, Frosted Elfin, Pine Barrens Itame, and Pine Barrens Zanolonatha. In their comments on the ENF, NHESP requested that the proponent conduct a habitat assessment for these state-listed moth and butterfly species. The proponent was also directed to assess botanical surveys for the host plants of the state-listed insect species.

The project proponent has conducted a preliminary habitat assessment for the state-listed moth and butterfly species listed above, and has been involved in permitting consultations with NHESP. NHESP has requested additional surveys during the spring and summer to assess impacts to these state-listed species and their habitats, and these surveys are ongoing. NHESP states in its comments on the DEIR that it appears that the proposed project will result in a “take” of state-listed species and a Conservation & Management Permit will be required. In order for a project to be considered for a Conservation and Management Permit, the project proponents must (1) avoid and minimize impacts to state-listed species to the greatest extent practical, (2) demonstrate that an insignificant portion of the local population will be impacted or that no viable alternative exists, and (3) develop and implement a conservation plan that provides a long-term net benefit to the conservation of the local population of the impacted species. According to the DEIR, the proponent is developing an appropriate mitigation strategy for impacts to rare species.

In its comments on the DEIR, NHESP suggests the following possibilities for mitigation for the project: the permanent protection of on-site or off-site state-listed species habitat, habitat management, funding for conservation research focusing on the state-listed species to be impacted by the project, and possible funding for off-site rare species habitat protection. In the FEIR, the proponent should provide an update on consultation with NHESP, should demonstrate how the project will comply with the MESA and discuss how it will meet the performance standards for the Conservation and Management Permit. Proposed mitigation and plans for the long-term management of the habitat on site should be included in the FEIR.

In addition, there are three state-listed grassland bird species whose habitat occurs immediately adjacent to the project site (Upland Sandpiper, Grasshopper Sparrow and Vesper Sparrow). The Grasshopper Sparrow and Vesper Sparrow are state listed as “Threatened Species” and the Upland Sandpiper is listed as “Endangered” under the Massachusetts Endangered Species Act (MESA) (M.G.L. c. 131A) and its implementing regulations (321 CMR 10.00). In its review of a previously proposed project (EOEA #13170); NHESP determined that these species would not be impacted by work on the site provided that all proposed buildings are located greater than 300 feet away from the managed grasslands occurring along the western edge of the property. The Certificate on the ENF stated that the proponent should commit to this condition for the Westfield Pavilion project. The FEIR should address this issue. In addition, the proponent should also address comments submitted by members of the Mass Bird list during the ENF review regarding the impacts of the project on grassland birds.

Wastewater

The project involves the construction of approximately 5,000 linear feet of new sewer main/force main to provide sewer service to the project site. A new pumping/lift station will be constructed on-site to convey the flow from the proposed development to the existing 8-inch sewer main located within Sergeant T.M. Dion Way. The developer and/or property owner will own and maintain the proposed pump station. The proponent has not yet designed the sewer extension for the project in its entirety. According to the DEIR, the project's sewer line extension and necessary connections will be designed to meet the performance standards for the Sewer Extension and Connection Permit Program per the regulations at 314 CMR 7.03. The DEIR does not indicate whether the sewer main will remain private or if it will be turned over to the City. This must be clarified to determine if MassDEP permit BRP WP 74 or BRP WP 71 is required.

The anticipated project design flows are approximately 75,000 to 100,000 gallons per day (gpd). The City of Westfield Wastewater Treatment Plant (WWTP) has an available capacity of approximately 1,000,000 gpd. According to the DEIR, the City of Westfield has allotted this 1,000,000 gpd of available capacity to potential future developments within the City. The proponent states that when the project is ready to request permission to tie into the municipal sewer system, it will apply to the City Council for review and approval. In the event that the system does not have capacity for the development, the proponent will perform an infiltration and inflow (I/I) analysis to designate adequate capacity for the project. The proponent states in the DEIR that it understands that the City's I/I process requires that five gallons of flow be removed for every one gallon of capacity that is required. The proponent submitted a letter from the City of Westfield Planning and Community Development Department with the DEIR stating that the proponent could participate in the City's I/I program. The FEIR should provide more information on the level of I/I in the Westfield system. Would it be possible to remove sufficient I/I to meet the needs of the proposed project if it was determined that adequate capacity did not exist in the Westfield system?

Transportation

The DEIR included a Traffic Impact and Access Study (TIAS) prepared in accordance with the Executive Office of Environmental Affairs/Executive Office of Transportation (EOEA/EOT) Guidelines for EIR/EIS Traffic Impact Assessments. The project is anticipated to generate 23,060 new daily vehicle trips and require the construction of 4,518 new parking spaces. The FEIR should clarify the proposed build program for the development and base the trip generation on the expected uses of the site. The proponent should respond to comments from EOT regarding trip generation and trip distribution networks. According to the DEIR, the study focuses on weekday afternoon and Saturday midday peak hour traffic conditions. The proponent asserts that the project will generate significantly fewer trips during the weekday morning peak hour, and thus provided a limited analysis of the weekday morning peak period.

The study area for the project was developed in conjunction with the City of Westfield, MHD and in response to the Certificate on the ENF. The TIAS also considered the impact of the

project on intersections that are part of the City of Westfield's Downtown/Main and Broad Street improvement project and the MHD Great River Bridge project. In response to comments from the Pioneer Valley Planning Commission (PVPC), the proponent should expand the traffic study area to include the intersections of Route 10/202 (Elm Street) at Route 20 (Franklin Street) and Route 10/202 at Thomas Street and Arnold Street. The FEIR should also include a discussion of all school-related traffic, given the proximity of the site to local schools. This should include a discussion of bus activities, as well as pedestrian activity within the study area.

The TIAS included an analysis of traffic operations and a Level of Service (LOS) analysis at intersections within the study area. The TIAS took into account future roadway improvements that are proposed as part of other projects in the area. Specifically, the proponent examined the impacts of the Westpark Project (EOEA #13361), the Target Distribution Center (EOEA #13361), the City of Westfield's Downtown Westfield Improvement project, and MHD's Great River Bridge project. In response to comments from EOT, the proponent should analyze all roadway geometry and traffic signal operations for the No-Build condition for consistency with the Build Conditions presented in the FEIRs for the Target Distribution Center and the Westpark projects.

According to the DEIR, the capacity analysis indicates that the projected traffic increases associated with the proposed Westfield Pavilion can be accommodated on the surrounding roadways with no significant impact on future traffic operations provided that site access and off-site roadway improvements are implemented. The majority of study area intersections demonstrate either a maintained or increased LOS in the 2011 Build with Proposed Mitigation condition as compared to the 2011 No Build scenario. The one exception is the intersection of Route 10/202 at Arch Street, which goes from LOS C in the No Build scenario to LOS E for the Build with Mitigation scenario during the Saturday peak.

The proponent provided the LOS for 2006 existing conditions, 2011 No Build conditions, and the 2011 Build with Proposed Mitigation scenario. In the FEIR, the proponent should show the 2011 Build scenario before proposed mitigation so that a valid assessment of the project's traffic related impacts can occur. The proponent states in the DEIR that the project cannot be reasonably constructed without some level of roadway mitigation and that existing roadway deficiencies would preclude the construction of the project; therefore, a Build alternative without mitigation was not assessed. MEPA concurs that the project without mitigation is not a viable option, but data reflecting the 2011 Build without mitigation must be provided in the FEIR to provide a point from which to evaluate the effectiveness of the proposed mitigation. The proponent should also clarify in the FEIR whether capacity analyses for the weekday peak period, the City of Westfield Downtown Project, the Great River Bridge Project and the Turnpike ramp merge and diverge analysis show the 2011 Build condition with or without the Westfield Pavilion mitigation.

As part of the existing conditions analysis, the proponent conducted a qualitative analysis of toll booth operations for Exit 3. The current demand for the MassPike approach to Route 10/202 is approximately 1,350 and 950 vehicles per hour for the evening and Saturday peak hours, respectively. With two normal toll collection lanes and one fast lane, the toll booth has a capacity of approximately 2,200 to 2,400 vehicles per hour; therefore, the toll booth has capacity

to serve current demand. The proponent notes that traffic queues from the traffic signal from the ramp at Route 10/202 interfere with toll booth operations. The FEIR should respond to comments from PVPC regarding the LOS analysis at the intersection of Route 10/202 at the MTA Exit 3 and operations at the Exit 3 toll booths.

The proponent conducted a ramp merge and diverge analysis for the Turnpike Exit 3 on and off ramp operations. To analyze the 2011 Build traffic conditions, the project-related vehicle trips were assigned to the existing I-90 Exit 3 ramps as well as the proposed I-90 Eastbound on ramp. The analysis indicates that all merge and diverge movements at the Eastbound and Westbound on and off ramps will continue to operate at LOS C or better in the 2011 Build condition. The proposed new eastbound on-ramp will operate at LOS C during the weekday afternoon and Saturday midday peak hour periods.

The proponent states in the DEIR that while the specific tenants of the Westfield Pavilion development are unknown at this time, a portion of the retail development can be expected to have a regional draw of customers from an area larger than might be expected for a typical shopping center. To establish the 2011 Build peak hour traffic volumes, the project-related traffic was assigned to the surrounding roadway network based on the proponent's review of the market area for the project, logical travel routes and the 2000 U.S. census. The proponent then applied local trip distribution patterns to the trip generation associated with approximately 560,000 sf of the retail development, and regional trip distribution patterns to the trip generation associated with approximately 250,000 sf of the retail development and the proposed hotel. The proponent should further explain its methodology for developing this local/regional split, and discuss why such a large percentage of the retail space has been associated with local trips, despite the proponent's acknowledgement that the development will have a large regional draw. The proponent should consult with EOT for guidance on anticipated distribution patterns, and the TIAS should use the most conservative approach.

The DEIR outlines a series of site access improvements and off-site traffic improvements to mitigate the traffic impacts of the project. The proponent asserts that the project's traffic increases can be accommodated on the surrounding roadways with no significant impact on traffic operations provided that the mitigation measures proposed in the DEIR are implemented. The proponent states that the construction of the proposed I-90 eastbound on-ramp will actually result in improved operations on the area roadways. In its comments on the DEIR, the MTA states that it has been in consultation with the proponent regarding the proposed bridge crossing the Turnpike and the new eastbound on-ramp and will continue this consultation to ensure that the design will not adversely impact MTA operations. Because existing ramps to the Turnpike will remain open for westbound travelers, the FEIR should proposed additional measures to ensure that eastbound traffic will only use the new eastbound on-ramp instead of the Route 10/202 entrance. The FEIR should also indicate why the volume of left-turns from the Turnpike eastbound approach to Route 10/202 would be reduced in the future build scenario.

The proponent has proposed significant mitigation at a number of locations that may impact the Westpark Project (EOEA #13651). The DEIR states that two new traffic signals along Route 10/202 will be installed as part of the Westpark development mitigation plan. However, these signals were not part of the mitigation package to which the Westpark proponent

committed during the MEPA review of the project and in its Section 61 Findings for MHD. The proponent should therefore outline mitigation measures necessary to reduce the impacts of the Westfield Pavilion project at this location.

I strongly encourage the proponent for the Westfield Pavilion project to participate in continued consultation with the developers for the Westpark project and the Target Distribution Center. The FEIR should present an update on this consultation and the proponent should ensure that proposed mitigation is complementary. A timeline of all proposed transportation improvements in the project area should be included in the FEIR. This timeline should indicate the responsible party for each improvement project, the cost to construct, the estimated date of construction and the anticipated source of construction funds. The proponent should respond to additional specific comments from EOT regarding the traffic mitigation proposed in the DEIR.

The proponent will establish a traffic and safety monitoring program to measure actual development impacts to key intersections in the vicinity of the project. The proponent will conduct manual turning movement counts during a weekday evening peak period and a Saturday midday peak period at agreed upon stages of development. In addition, the proponent will tabulate incident types and crash rates for the project area. The results of the monitoring project will be provided to the City and MHD. If the trip generation rates of the project exceed projected levels and result in identifiable operational or safety impacts at monitoring locations, the proponent will implement improvements at locations found to be operating at unacceptable levels of service.

### Transportation Demand Management

The Certificate on the ENF directed the proponent to develop a comprehensive Transportation Demand Management (TDM) program that investigates all feasible measures aimed at reducing site trip generation. The proponent proposes the following TDM measures in the DEIR:

- Designation of an on-site transportation coordinator to manage employee ride share and carpool programs;
- Provision of preferred parking for employees who carpool;
- Provision of bicycle incentives; and,
- Guaranteed Ride Home program.

The proponent states that it will consider the development of a Transportation Management Association (TMA) with other proposed developments in the City of Westfield. The proponent should provide clear commitment to implement and continuously fund any evaluated TDM measures deemed feasible to sustain and/or increase mode usage over time to ensure a balanced and functional transportation system along the corridor. The proponent should commit to installing an on-site sidewalk network that will connect the various stores and should investigate the feasibility of upgrading the existing sidewalk network in the vicinity of the project.

### Transit

The Pioneer Valley Transit Authority (PVTA) currently provides hourly service via two bus routes to the City of Westfield. Given the size of the proposed development, it is critical that adequate transit services be available for site users and employees who do not want to drive to the site. The proponent states in the DEIR that it will work with the PVTA to conduct a transit feasibility study. This study should address the financial and logistical impacts of serving the site with fixed route transit service; identify appropriate transit amenities for the site; and clearly define the proposed funding source to implement the study recommendations. The FEIR should report on the results of this study.

### Air Quality

The projected vehicle trips from the project triggered MassDEP's requirement that the proponent conduct an air quality mesoscale analysis to determine if the proposed project will increase the amount of volatile organic compounds (VOCs) and nitrogen oxides (NOx) in the project area and to assess the project's consistency with the Massachusetts State Implementation Plan (SIP). The results of the air quality analysis performed by the proponent demonstrate that VOCs and NOx will both increase as a result of project-generated traffic. To mitigate these emissions, the proponent has proposed to implement several TDM measures. The proponent did not estimate the amount of VOCs or NOx that would be reduced by these measures. I encourage the proponent to consider additional TDM measures outlined by MassDEP in their comments on the ENF.

### Historic Resources

In response to comments from the Massachusetts Historical Commission (MHC), the proponent engaged the services of the Public Archaeology Laboratory, Inc. (PAL) to locate, identify, and evaluate archaeologically significant resources on the project site. PAL conducted the intensive (locational) survey in the fall of 2006 under a permit issued by the state archaeologist. The survey included archival research, a walkover inspection of the project site, and subsurface testing. According to the DEIR, field testing resulted in the recovery of chipping debris. PAL concluded that this debris is not considered to represent a potentially significant archaeological resource and does not recommend any further archaeological investigations of the project site. The results of the survey were submitted to the MHC in a technical report entitled *Intensive (Locational) Archaeological Survey Westfield Pavilion, Westfield, Massachusetts*. In April of 2007, MHC submitted a letter to the MEPA office indicating that it concurs with the PAL recommendation that no further archeological testing is required for the project area.

### Airport Issues

The project site is located adjacent to the Westfield-Barnes Municipal Airport. The

Westfield-Barnes Airport and the Massachusetts Aeronautics Commission (MAC) both submitted detailed comments on the DEIR that should be addressed in the FEIR. The DEIR contains a discussion of aeronautical issues related to project design and construction. The proponent states that it will consult with the FAA New England regional office, MAC and the Westfield Airport Commission to ensure that the project will not impact aeronautical uses at the Westfield-Barnes Airport.

#### Construction Period Impacts

The DEIR contained a Construction Management Plan outlining measures that the proponent will implement to reduce construction period impacts related to noise, air quality, erosion and sedimentation and traffic. The proponent should note comments from MassDEP regarding solid waste management and air pollution control. The proponent states in the DEIR that it is evaluating the feasibility of participating in MassDEP's Clean Construction Initiative. I strongly encourage the proponent to commit to participating in this program and to require its contractors to use low sulfur diesel fuel in its equipment.


#### Mitigation

The Certificate on the ENF required that the DEIR contain a separate chapter on mitigation measures and Draft Section 61 Findings for all state permits. The DEIR presented a discussion of mitigation measures and Draft Section 61 Findings for use by MassDEP, MHD, the MTA and NHESP. The FEIR should update and expand this section and include a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation, and the identification of the parties responsible for implementing the mitigation. The FEIR should provide a schedule for the implementation of the mitigation, based on the construction phases of the project. The Section 61 Findings will be included with all state permits issued for this project, and will be considered binding upon the proponent as mitigation commitments.

In its comments on the DEIR, MassDEP states that it cannot agree with the proposed Section 61 Findings in the DEIR that state that the project complies with the Wetlands Protection Act and Regulations and the Stormwater Management Standards. Wetland resource areas have not been fully approved and potential impacts and mitigation cannot be fully determined at this time. In addition, the proponent has not demonstrated that the project's stormwater management system has been designed in compliance with MassDEP's Stormwater Management Policy. I have directed the proponent to resolve these issues in the FEIR and the Section 61 Findings should be modified accordingly. If it is determined that a 401 WQC Certificate is required for the project, the draft Section 61 Finding for MassDEP should be updated to reflect this permit.

June 1, 2007

Date

  
Ian A. Bowles



## Comments received:

4/11/2007	Massachusetts Historical Commisison
5/7/2007	Jean Carpenter
5/18/2007	Barnes Aquifer Protection Advisory Committee
5/22/2007	City of Westfield, Water Resources Department
5/22/2007	Massachusetts Aeronautics Commission
5/22/2007	Westfield-Barnes Airport
5/23/2007	Pioneer Valley Planning Commission
5/23/2007	Pioneer Valley Transit Authority
5/23/2007	Henry Warchol
5/25/2007	Division of Fisheries & Wildlife, Natural Heritage and Endangered Species Program
5/25/2007	Department of Environmental Protection, Western Regional Office
5/25/2007	Executive Office of Transportation
5/30/2007	Massachusetts Turnpike Authority

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