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June 27, 2008

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

PROJECT NAME : Stone Ridge
PROJECT MUNICIPALITY : Milford
PROJECT WATERSHED : Charles River
EEA NUMBER : 14127
PROJECT PROPONENT : **The Gutierrez Company**
DATE NOTICED IN MONITOR : May 21, 2008

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. 61-62H) and with its implementing regulations (301 CMR 11.00). The proponent may prepare and submit for review a Final Environmental Impact Report (FEIR).

As described in the DEIR, the project includes construction of four (4) office buildings totaling 625,000 square feet (sf) in area; approximately 1,800 feet of improved roadway within an existing right-of-way, including a bridge crossing of the Charles River and a road culvert designed in accordance with the Army Corps of Engineers Stream Crossing Guidelines; approximately 2,114 total parking spaces; associated stormwater management facilities; connections to available water and sanitary sewer facilities; and a 29-acre conservation easement.

The project site is approximately 80 acres in area, located adjacent to Route 85 (Cedar Street) and Interstate 495 in Milford. The site is currently undeveloped and contains a portion of



the Charles River and an associated wetland system. Wildcat Pond is located to the east of the project site, and is part of the local water supply system. The future expansion of the Upper Charles Trail (multi-use path) will cross Deer Street and continue toward Hopkinton. The Preferred Alternative will alter approximately 44.5 acres of land, rendering 25.3 acres of land impervious. Wastewater generation is estimated at 46,875 gallons per day, with connections to existing sewer infrastructure in Cedar Street and the construction of a new pump station. The office uses will generate approximately 5,470 new vehicle trips per day, with peak hours occurring in the morning and afternoon on weekdays. There will be minimal traffic impact on weekends. Finally, there will be modest areas of wetland alteration to facilitate two roadway crossings within the project site. Mitigation for these impacts will be required through the provision of wetland replication areas.

The project exceeds several ENF and mandatory EIR thresholds in accordance with 301 CMR 11.03, and will require several State permits. The project is subject to the preparation of a mandatory EIR pursuant to: Section 11.03(1)(a)(2) due to the creation of ten or more acres of impervious area; Section 11.03(6)(a)(6) due to the generation of 3,000 or more new average daily trips on roadways providing access to a single location; and Section 11.03(6)(a)(7) due to the construction of 1,000 or more new parking spaces at a single location. The project also exceeds ENF thresholds pursuant to Section 11.03(2)(b)(2) because it will result in the take of an endangered or threatened species or species of special concern and Section 11.03(3)(b)(d) due to the alteration of 5,000 or more square feet of bordering or isolated vegetated wetlands. The project will require a Section 401 Water Quality Certificate (WQC), a Sewer Connection/Extension Permit, and Approval of a National Pollutant Discharge Elimination Systems Stormwater Pollution Prevention Plan for Construction or Industrial General Permits Discharging to Outstanding Resource Waters (ORWs) from the Massachusetts Department of Environmental Protection (MassDEP). The project will also require an Indirect Vehicular Access Permit from the Massachusetts Highway Department (MassHighway) and a Conservation and Management Permit from the Massachusetts Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program (NHESP). A Section 404 Category II Permit from the U.S. Army Corps of Engineers (U.S. ACOE) and approval under the NPDES Construction General Permit from the U.S. Environmental Protection Agency will be required. Finally, the project must obtain Order(s) of Conditions from the Milford Conservation Commission, or in the case of an appeal, a Superseding Order of Conditions from MassDEP.

Because the proponent is not seeking financial assistance from the Commonwealth for the current phase of the project, MEPA jurisdiction extends to those aspects of the project that may have significant environmental impacts and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction applies to impacts to land, rare species, wetlands, transportation, wastewater, and stormwater.

Review of the DEIR

The DEIR contained an updated description of the project, including project modifications since the review of the ENF. The existing environment was characterized and the

DEIR provided a list of required permits and approvals to achieve the preferred project alternative.

The DEIR included an alternatives analysis conducted in response to the scope contained in the ENF certificate. This analysis consisted of a comparison of a No-Build Alternative, a Reduced Impact Alternative, and a Preferred Alternative. The Reduced Impact Alternative focused on an alternative calculation of required parking spaces in accordance with local bylaws in an effort to reduce land and impervious areas impacts. The Preferred Alternative included the re-location of an infiltration basin outside of the designated Zone A of a Public Water Supply. The alternatives analysis provided a comparison of each alternative and potential environmental impacts.

The DEIR contained a traffic study prepared in accordance with EOEEA/EOTPW Guidelines for EIR/EIS Traffic Impact Assessments. This traffic study included capacity analyses, a summary of average and 95th percentile vehicle queues, a merge and diverge analysis for each junction at the I-495 ramps intersection with Route 85, and traffic signal warrant analyses for proposed traffic signals along Route 85. The DEIR outlined potential mitigation measures in response to traffic impacts, including the addition of turning lanes, new traffic signals, traffic signal timing modifications and the possible creation of a roundabout at the Route 85/I-495 southbound ramps intersection. A Transportation Demand Management (TDM) plan was provided that outlines ways to reduce single occupancy vehicle trips to and from the project site. The DEIR included an air quality mesoscale analysis comparing the Build and No-Build conditions using the emission model, MOBILE 6.2. The DEIR concluded that TDM measures in conjunction with improved vehicle emissions standards will result in no further degradation of existing air quality within the project study area. The DEIR contained a quantitative analysis of potential project mobile and stationary source greenhouse gas emissions (GHG) in accordance with EEA/MEPA GHG Policy and Protocol. As the project was filed before November 1, 2007, this analysis was provided on a voluntary basis and demonstrated that nominal reductions in GHG emissions may be achieved through efficient building construction and operations practices and TDM measures.

The DEIR included a summary of potential rare species habitat impacts, and proposed short-term and long-term mitigation measures. The DEIR noted that the Preferred Alternative was determined based on discussions with the NHESP prior to the commencement of the MEPA review process. The DEIR described the findings of the Phase IA intensive (locational) archaeological survey conducted in response to comments received on the ENF from the Massachusetts Historical Commission (MHC). Two sites were identified within the proposed development area; other sites identified are located outside of the area of proposed development and can be avoided. Additional investigation of the sites that have the potential for impact from the project have been recommended for additional investigation.

The project site contains a portion of the Charles River and several area of Bordering Vegetated Wetlands (BVW) and Isolated Vegetated Wetlands (IVW). The DEIR characterized on-site wetlands and described their significance in accordance with the Massachusetts Wetlands Protection Act. The DEIR described the areas of proposed wetland alteration, project compliance with the Performance Standards of the Massachusetts Wetlands Regulations, and the

U.S. Army Corps of Engineers and/or MassDEP Stream Crossing Standards. The DEIR included stormwater calculations, a description of Best Management Practices (BMP), erosion and sedimentation control guidelines, a discussion of project consistency with MassDEP Stormwater Management Standards and Guidelines, and compliance with water quality standards for discharges to critical areas.

The DEIR outlined proposed wastewater flows, existing and proposed infrastructure to accommodate additional flows, and anticipated inflow and infiltration (I/I) removal requirements. Construction period impacts were outlined in a general manner, as specific project phasing and timing have yet to be determined. The DEIR addressed mitigation for potential construction-related impacts including noise, vibration, dust, and traffic flow disruptions. The DEIR summarized proposed mitigation measures and included draft Section 61 Findings for use by MassHighway and MassDEP. The DEIR included responses to comments received on the ENF.

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 satisfy 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.

Rare Species

The Massachusetts Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program (NHESP) has indicated that the project site is mapped as Priority Habitat for the Wood Turtle (*Glyptemys insculpta*), a species listed as "Special Concern" pursuant to the Massachusetts Endangered Species Act (MESA) (M.G.L. c. 131A) and its implementing regulations (MESA, 321 CMR 10.00). The proponent will be required to apply for and receive a Conservation and Management Permit from the NHESP prior to the commencement of construction. I commend the proponent for working with NHESP to determine those areas important for habitat preservation and responding to these needs in the Preferred Alternative design.

The proponent has proposed the following mitigation measures in order to qualify for a MESA Conservation and Management Permit: (1) protection of 29± acres of on-site Wood Turtle habitat through an Executive Office of Energy and Environmental Affairs-endorsed Conservation Restriction, (2) construction and maintenance of a turtle protective barrier system to minimize road mortality, (3) installation of two bridges to afford a stream crossing, and (4) providing off-site mitigation in the form of conservation research and/or land acquisition funding

for the Wood Turtle. The proponent should continue to work in collaboration with the NHESP during the Conservation and Management Permit application process. The NHESP has requested that the following items be presented in the FEIR:

1. a final conservation restriction and open space plan showing metes and bounds of open space boundaries, and signage and monumentation scheme;
2. draft conservation restriction text; and
3. draft turtle-protection measures during construction to avoid and minimize harm to Wood Turtles during permitting construction.

Alternatives Analysis

The DEIR included a Reduced Impact Alternative that reduced impervious area on-site through an alternate calculation of required parking spaces under Milford Zoning Bylaws. This alternative included the incorporation of several Low Impact Design (LID) techniques (similar to those in the Preferred Alternative) and a decrease in the size of the parking field to minimize overall impact to wetland resource areas and associated buffer zones. The layout and design of both the Preferred Alternative and the Reduced Impact Alternative presented in the DEIR was guided by limiting the project area footprint to reduce rare species habitat disturbance, as recommended by the NHESP. Since the rare species habitat area on-site is generally congruent with the Charles River and associated wetland resource areas, a reduction in alteration of rare species habitat similarly results in fewer wetland resource area impacts and impact to the Zone A to a public water supply.

The DEIR did not include previously discarded conceptual design plans as requested in the Certificate on the ENF. The proponent acknowledges that the Preferred Alternative was designed in response to requests from the NHESP to reduce habitat impact. The FEIR should include a description and conceptual graphics of these previously discarded alternatives to assist in the comparison of the current project to other on-site alternatives and their potential impacts.

While it would be preferable for the proponent to pursue the Reduced Impact Alternative, I recognize that such an alternative would require zoning relief from the Town of Milford. Despite this requirement, I strongly encourage the proponent to pursue this alternative in an effort to further reduce project impacts. The FEIR should include an update on discussions with local permitting authorities regarding the feasibility of either overall reduced parking requirements, or alternatively, the feasibility of accommodating reserve parking areas into the project plan. These reserve parking areas could be the difference in the number of parking spaces required under the Preferred Alternative and the Reduced Impact Alternative.

In light of the requirement for zoning relief to achieve the Reduced Impact Alternative, I will require the FEIR to further refine the Reduced Impact Alternative to focus on additional LID measures that could be incorporated on-site to reduce impacts to wetlands and adjacent public water supplies. This may include the incorporation of swales, rain gardens, green roofs, etc. Such an alternative should be compliant with the local zoning requirements set forth by the Town of Milford for the project site, with consideration of waivers that may be granted at the

local level to achieve reduced environmental impact. While I will not require the proponent to present an alternative that requires a variance from local zoning, I am not discouraging the proponent from presenting such an alternative.

Finally, as recommended by MassDEP, the FEIR should include an alternatives analysis consistent with the required project 401 WQC permit application, including avoiding impacts to Wetland #9. The proponent should work with MassDEP to investigate the possibility that this isolated wetland would be classified as an ORW, and thereby require an alteration to the Preferred Alternative development plan.

Traffic and Transportation

The DEIR states that the project will result in the generation of approximately 5,470 new vehicle trips on an average weekday. Access to the site will be provided from Deer Street to Route 85. A MassHighway permit is required for indirect access to I-495. The DEIR included a traffic study prepared in general conformance with the EOEEA/EOT Guidelines for EIR/EIS Traffic Impact Assessments. The proponent will implement a TDM program that includes: a transportation coordinator, partnership opportunities with MassRides, transit services information, ridesharing services, and bicycle amenities.

Proposed mitigation measures to offset project impacts along State-controlled roadways include modifications at the Route 85/I-495 northbound ramps intersection and the Route 85/I-495 southbound ramps intersection. These modifications include signal timing coordination and traffic lane reconfigurations at the Route 85/I-495 northbound ramp intersection, and the reconfiguration of the Route 85/I-495 southbound ramp intersection through the installation of a traffic signal (Concept A) or the installation of a roundabout (Concept B). MassHighway has expressed a strong preference for Concept B, as the analysis indicates that the roundabout will provide optimal conditions overall. The FEIR should provide an update on the stakeholder process to determine whether Concept A or B will be pursued by the proponent. I note concerns raised about the safety and functionality of a roundabout at this location by the Town of Milford. Of note, is the potential conflict with the multi-use trail crossing and safety of cyclists and pedestrians. The FEIR should address this safety concern and whether a "slip" lane, as suggested by the Town of Milford, could increase intersection safety and function. The FEIR should also clarify if right-of-way acquisitions would be necessary to accommodate Concept B. Finally, the FEIR should include the details of any proposed development and mitigation phasing, with particular attention given to limiting the timespan over which multiple phases of work would affect the state highway layout.

The traffic study included several locally-jurisdictional intersections. Mitigation measures to offset impacts to those intersections should be coordinated with the Town of Milford and resolved during the local permitting approval processes. In accordance with the recommendation made by EOT, I strongly encourage the proponent to consult with MassHighway before any state highway issues are discussed in local meetings or hearings.

Land

The proposed project will alter approximately 44.5 acres of land and create 25 acres of impervious area on the 80-acre project site. The existing and proposed elevations were unclear upon review of the graphics included in the DEIR. The FEIR should include legible graphics at a suitable scale to effectively convey the potential changes in land elevations, and the areas of proposed cut and fill to achieve final project elevations.

Historic Resources

In accordance with the Massachusetts Historical Commission's request, the proponent has commenced an intensive (locational) archaeological survey (950 CMR 70) for the project. The purpose of this survey is to locate and identify any significant historical or archaeological resources that may be affected by the project. The results of the survey will provide information to assist in consultation to avoid, minimize or mitigate any adverse effects to significant archaeological resources. A summary of potential impacts to historic resources should be included in the FEIR in a way that does not disclose the location of significant historic or archaeological resources. I encourage the proponent to resolve the potential project impacts to identified historic and archaeological resources prior to the submission of the FEIR. The FEIR should confirm that project information has been provided to the Milford Historical Commission and the U.S. ACOE for review and comment. Comments received from these bodies should be forwarded to the MHC.

Wetlands

The project site contains a portion of the Charles River and several areas of BVW and IVW. The project will result in the alteration of 5,000 sf of BVW (2,280 sf of temporary impact and 2,720 sf of permanent impact), 118 linear feet of Bank, 435 sf of Land Under Water, 3,573 sf of Bordering Land Subject to Flooding (BLSF), and 44,598 sf of Riverfront Area. The project will require the filling of some wetland resource areas and the creation of wetland replication areas in accordance with local and State wetland regulations. The project will be required to comply with the MassDEP Stormwater Management Regulations (revised January 2, 2008), both in accordance with additional filings under the Massachusetts Wetlands Protection Act and the 401 Water Quality Certification process from MassDEP.

The FEIR should clarify if the existing bridge will be left in place along the Charles River. The EENF offers conflicting information, in one location noting that the bridge will be dismantled (pg. 7-15), and then noting that the existing bridge will be left in place as to not increase downstream impacts (pg. 7-16). Upon clarification of the relationship of the old bridge to the new bridge, the FEIR should provide a graphic that compares the bridge location to the affected wetland resource areas, at a reasonable scale, to better understand potential project impacts.

Stormwater

The FEIR should confirm that the proposed LID techniques will reduce stormwater impacts in accordance with the new MassDEP Stormwater Regulations (effective January 2, 2008). The DEIR asserts that additional on-site LID techniques beyond those shown in the Preferred Alternative may result in greater on-site impacts due to grading. The FEIR should provide justification for this statement, but should also consider minimal increases in land disturbance outside rare species habitat in exchange for gains in stormwater management treatment through the incorporation of LID techniques.

The FEIR should clarify how the proposed proprietary BMPs achieve 70 percent removal of total suspended solids (TSS). The FEIR should confirm that the project meets the 44 percent pretreatment and 80 percent TSS removal requirements for treatment trains PR2.2, PR2.3, and PR3.2. The FEIR must also elaborate on how the project meets the requirement for Standard 6 in the MassDEP Stormwater Regulations. I recognize the proponent's acknowledgement of phosphorous loading problems within the Charles River Watershed. A Total Maximum Daily Load (TMDL) determination for phosphorous has been completed for the Lower Charles River Watershed, but a TMDL determination has not been completed for the Upper Charles River Watershed. While the DEIR noted that BMPs will provide treatment of phosphorous, I request that the FEIR clarify the amount of potential phosphorous removal each of these BMPs may achieve.

The FEIR must include an updated Erosion and Sedimentation Control Plan and Operation and Maintenance Plan, that includes a schedule for sequencing construction and stormwater management activities that minimize land disturbance by ensuring that vegetation is preserved to the extent practicable and disturbed portions of the site are stabilized as quickly as possible. The plans should also address operations and maintenance requirements for stormwater BMPs in accordance with the MassDEP Stormwater Handbook (Volume 2, Chapter 2), with consideration for wet weather events and frost. The FEIR should include additional information with regard to on-site snow storage and removal and I encourage the proponent to consult with MassDEP for guidance on preparation of a snow storage and removal plan.

Wastewater

The project will generate approximately 46,875 gpd of wastewater. The wastewater will flow to an on-site private pump station that will pump wastewater over a mile through a private force main to the Milford sewer system and on to the Milford Wastewater Treatment Facility (WWTF).

MassDEP has highlighted the ongoing complexities of establishing sufficient and logical wastewater infrastructure to serve the project site. Redundancy of private wastewater mains within Route 85 and private pump stations may lead to a less than ideal situation with regards to operations, maintenance and potential opportunities for environmental benefits in the project area. It remains unclear why a larger pump station cannot be constructed that consolidates flows and eliminates the use of the existing deteriorating 6-inch force main in Route 85. The

proponent should work with MassDEP and the Town of Milford to present an acceptable infrastructure plan in the FEIR that suits the needs of the proponent, the Town of Milford and is compliant with applicable regulatory standards. The FEIR should also provide information on how the project's proposed mitigation of 5:1 Inflow and Infiltration (I/I) removal and the construction of a new connection of flows to the Milford WWTF is consistent with the recently issued Administrative Order (AO 08-013) by the U.S. EPA.

Construction Period Impacts

The proponent must comply with MassDEP's Solid Waste and Air Quality Control regulations during construction. I encourage the proponent to incorporate construction waste recycling activities as a sustainable measure for the project. The proponent should consult with MassDEP for appropriate standards and guidelines for managing construction waste. I encourage the proponent to make a commitment to use contractors whose policies include participation in the MassDEP Diesel Retrofit Program and to outline such a commitment as part of mitigation for potential air quality impacts associated with the project. The FEIR should include an update on potential project phasing and construction sequencing.

Mitigation

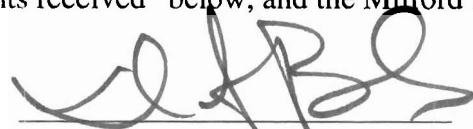
The FEIR should include a separate chapter summarizing proposed mitigation measures. It is unclear from the DEIR when certain mitigation measures will be implemented based upon an uncertain phasing schedule. The proponent should clarify when during the development process each mitigation measure would be implemented. Consideration should be given to mitigating impacts of each individual phase of development, as build-out may not occur all at once. This chapter should also include 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.

Comments/Circulation

The FEIR should contain a copy of this Certificate and a copy of each comment letter received. In order to ensure that the issues raised by commenters are addressed, the FEIR should include a response to comments. This directive is not intended to, and shall not be construed to, enlarge the scope of the FEIR beyond what has been expressly identified in the initial scoping certificate or this certificate.

The FEIR should be circulated in compliance with Section 11.16 of the MEPA regulations. 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 the Milford Public Library.

June 26, 2008
Date



Ian A. Bowles

Comments received:

- 05/29/2008 Town of Milford – Office of Planning and Engineering
- 06/19/2008 Town of Milford – Office of Planning and Engineering – 2nd letter
- 06/20/2008 Massachusetts Historical Commission
- 06/20/2008 Executive Office of Transportation
- 06/23/2008 Charles River Watershed Association
- 06/24/2008 Massachusetts Division of Fisheries and Wildlife – Natural Heritage and Endangered Species Program
- 06/24/2008 Massachusetts Department of Environmental Protection – CERO

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