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CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE NOTICE OF PROJECT CHANGE – PHASE III PATRIOTS PLACE

PROJECT NAME	: New Patriots Stadium and Public Infrastructure Project
PROJECT MUNICIPALITY	: Foxborough
PROJECT WATERSHED	: Neponset
EOEA NUMBER	: 12037
PROJECT PROPONENT	: NPS, LLC
DATE NOTICED IN MONITOR	: May 24, 2006

As Secretary of Environmental Affairs, I hereby determine that the Notice of Project Change submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00).

Background:

The New Patriots Stadium and Public Infrastructure Project was proposed in September 1999, as a phased (Phase I-III) development project consisting of the replacement of the existing 61,000-seat Foxboro Stadium located off Route 1 in Foxborough with a new open-air 68,000-seat stadium (“Gillette Stadium”) to be located directly adjacent to the existing facility, along with related infrastructure improvements. The project site located approximately three miles south of I-95 and four miles north of I-495 on several parcels of land totaling 352 acres.

Phase I involved the construction of the replacement stadium, and Phase II involved the construction of additional stadium and infrastructure facilities. Phase III involved the planning and development of a 325-acre Economic Development Area (EDA), excluding the site of the new stadium, to include a mixed use development program of retail, office, hotel, restaurant, and theater/cinema space.

Phase I – Replacement Stadium Construction

Phase I consisted of the construction of a 68,000-seat open air stadium (60,000 general seats and 8,000 club seats), with associated plazas and pedestrian spaces, and the demolition of the existing 61,000-seat stadium, the Foxborough Entertainment Complex and the race track facilities. The Phase I development program relied upon existing infrastructure systems, including on-site water supply and wastewater treatment facilities, and existing traffic access points to Route 1. The proponent also implemented a new Traffic Management Plan (TMP) to improve traffic flows during Phase I construction activities.

Phase II – Roadway Improvements and Additional Facilities and Infrastructure

Phase II consisted of infrastructure improvements designed to further reduce traffic impacts and improve traffic flows compared with Phase I conditions. Phase II transportation improvements included the addition of approximately 5,000 new parking spaces located throughout the project site. Phase II also involved the construction of a site-wide stormwater management plan, three new practice fields, a practice pavilion, and improvements to existing water supply and wastewater management systems to meet the current and future water supply and wastewater management needs of the Town of Foxborough and the New Patriots Stadium and Public Infrastructure Project..

The Scope for the Final EIR was issued in December 1999 and required the proponent to study the full range of cumulative impacts of Phases I and II, and the potential outer envelope of infrastructure impacts for Phase III. The MEPA Office anticipated additional MEPA filings to review the potential localized impacts specifically associated with the proponent's Phase III development plans, and required the proponent to file a Notice of Project Change for Phase III when specific development plans were developed and proposed. The Final Environmental Impact Report (FEIR) for the New Patriots Stadium and Public Infrastructure Project was reviewed by the MEPA Office in July 2000 and found to be adequate (EOEA# 12037).

Phase III – Patriots Place:

As originally proposed in 1999, Phase III involved the planning and development of the EDA, excluding the site of the new stadium, to include an assumed mixed-use development program of approximately 600,000 square foot (sf) of retail, office, hotel, restaurant, and theater/cinema space. As described in the NPC Phase III submittal, the proponent is now proposing the mixed-use development on the site of the Gillette Stadium existing parking lot on several parcels of property totaling approximately 352 acres, consisting of a development program of approximately 676,400 sf of mixed retail, 3,700 seat restaurant and commercial space, a 160,000 sf sporting goods retail store, a 3,500-seat 16-screen cinema, approximately 105,000 sf of medical office space, 75,000 sf of general office space, and a 200-room hotel.

As noted in previous MEPA Certificates issued for the New Patriots Stadium and Public Infrastructure Project, the outside envelope of infrastructure impacts proposed for the development of the EDA in Phase III appear to be within the envelope of impacts previously reviewed for the New Patriots Stadium and Public Infrastructure Project in July 2000. Based on information contained in this NPC – Phase III submittal, the existing infrastructure and mitigation previously developed or proposed by the proponent in Phases I and II, particularly as they may pertain to traffic, water, wastewater, and stormwater, has been design with sufficient capacity to accommodate the Phase III development program.

Traffic:

According to the comments received from MHD, the NPC includes a traffic study that has been prepared in conformance with EOEA/EOT Guidelines for Traffic Impact. The Phase III project is expected to generate approximately 41,690 vehicle trips on an average weekday and 64,800 vehicle trips on a Sunday with a Sold-Out NFL event. As a result, the proponent's currently proposed Phase III development program will result in an increase in vehicle trips on an average weekday (approximately 23,650 additional vehicle trips) than the Phase III development plan originally described by the proponent in the June 2000 Single EIR submittal to MEPA. According to MHD, the Phase III development project will require a revised MHD Permit for access to Route 1 (Washington Street).

As described by the proponent, the site access and off-site roadway improvements and mitigation program constructed by the proponent have resulted in creating increased capacity in project area roadways, and have provided sufficient reserve capacity to accommodate the additional vehicle trips associated with the Phase III development. To date, the proponent has constructed an assortment of transportation mitigation projects in Phase I and Phase II including:

- The Route 1 South Interchange,
- The Route 1 North Interchange,
- The North Street Access Driveway,
- Route 1 Northbound Slip-Ramp to I-95 Northbound for Contra-Flow Lane Operations,
- Widening of I-495 Ramp from Route 1 Southbound to I-495 Northbound to accommodate two travel lanes,
- Widening Route 1 shoulders between I-495 and Madison Street,
- Construct new 6 foot wide sidewalk along east side of Route 1 between North and South entrances, and both sides of Route 1 from North Street to Walpole Town line,
- Provide controlled at-grade pedestrian crossings at 3 Route 1 locations,
- Install permanent signage along I-95/I-495/Route 1 for Stadium Access Control,
- Construct on-site outer loop roadway,
- Increase on-site parking to minimum of 14,420 surface parking spaces,
- Construct dedicated on-site pedestrian corridors and underpasses, and
- Construct landscaped berms to channelize pedestrian traffic.

The proponent, in consultation with MHD, has committed to modify its existing Gillette Stadium Traffic Management Program (TMP) to include the following:

- the relocation of P-10South access gate 300' south on Route 1,
- constructing geometric modifications to P-10South and P-10North access gates to provide a second turning lane in and out of both gates,
- revising P-10 North and P-10South parking management areas,
- increasing the number of ticket processing stations within the p-10 North and South parking lots,
- implementing a Pedestrian Management Program for the P-10 North and South parking lots and the Pedestrian Safety Zone at the Route 1 crossing,
- implementing a snow and ice removal program for pedestrian facilities located along both sides of Route 1 frontage of the Stadium frontage, and within Stadium controlled parking areas, and
- providing a Walpole Police detail to discourage Stadium patrons from parking in the Summer Street/Nottingham Way neighborhoods in Walpole for Stadium events.

The proponent's pedestrian circulation improvements include the construction of a Pedestrian Safety Zone along portion of the north and south sides of Route 1 fronting the entrances to Stadium Parking Areas 10 North and 10 South (P-10N, P-10S), and the construction of 2 pedestrian underpasses, to be located beneath P-10N and P-10S entrances. According to the proponent, these pedestrian improvements will provide safe and efficient vehicle access to the improved Stadium parking lots, and will also provide direct pedestrian-safe connections from proposed on-site and off-site Stadium parking areas to proposed pedestrian walkways and sidewalks serving the Patriots Stadium site.

The proponent has also committed to modify its existing Transportation Demand Management Program (TDM) to include;

- promoting the use of satellite parking at existing designated Park'n'Ride facilities,
- implementing a ride-matching program, including coordination with MassRides, to promote car/van pooling opportunities for employees and patrons,
- consolidation of HOV parking amenities within the project site,
- evaluating the implementation of a prepaid parking program, and coordination with MBTA to expand the use of existing commuter rail service to the Stadium, and
- implementing a Traffic Monitoring Program that will monitor traffic and parking patterns for Stadium events on an annual basis for a period of five years.

All Patriot Place tenants and businesses should be required to participate in the proposed TDM plan. The TDM plan should include a commitment for any monitoring necessary to ensure the success of the program. The Section 61 Findings should demonstrate the proponent's commitment to implement, monitor, and continuously fund the proposed TDM plan.

MHD has indicated that the proponent has adequately identified the traffic impacts associate with the Phase III development project and has proposed sufficient mitigation to address the project's traffic impacts. MHD has requested that the proponent commit to expand the proponent's coordination/interconnection of the Gillette Stadium traffic signals to include additional intersections along Route 1 if MHD deems necessary. According to the comments received from MHD, the proponent will be responsible for all hardware and software required for MHD's operation of these signals. The proponent should also commit to providing other additional equipment including but not limited to new mast arms, strain poles, controllers, and signal heads, that may be necessary to operate the traffic control signals located at Route 1/Old Post Road, Water Street/North Street, Pine Street in Walpole, Pine Street in Foxborough, and Thurston Street. MHD has also requested that the proponent continue to work closely with the District 5 Office to modify the proponent's proposed Transportation Management Plan (TMP), previously prepared for the proposed New Patriots Stadium and Public Infrastructure Project, to modify the existing TMP to accommodate pre and post-event activities and during Phase III construction activities.

Water Supply:

The estimated total potable water supply demand for the proposed mixed-use development project is 80,000 gallons per day (gpd). As described in the NPC, the project site is currently served by a combination of three separate water supply systems designed and developed by the proponent to serve the water supply needs for the full-build New Patriots Stadium and Public Infrastructure Project. The proponent's water supply system includes the Town of Foxborough's municipal water supply system to provide potable water for drinking and washing, the proponent's existing wastewater ReUse System, and the proponent's on-site Well Irrigation Water System. According to the information provided in the NPC and comments received from DEP, the Town of Foxborough has sufficient water supply capacity and authorized volume under its Water Management Act Permit to service the proponent's proposed Phase III development project.

Wastewater:

The wastewater flow generated from the existing Gillette Stadium facility is currently served by the proponent's existing on-site wastewater treatment plant (Gillette Stadium WWTP). According to the proponent, the Gillette WWTP has sufficient capacity to accommodate the additional wastewater flows from the Phase III development. The proponent has proposed to construct a new on-site 400,000 gallon capacity wastewater storage/equalization tank to accommodate the increase in average wastewater flow rates anticipated from the Phase III development. Constructed as part of the proponent's Phase I and Phase II project activities, the Gillette WWTP incorporates a treated wastewater reuse system and an on-site leach field designed and permitted by DEP to accommodate up to 250,000 gallons per day (gpd) of wastewater flow. Approximately 33 percent of the treated wastewater is reused for on-site toilet flushing, and approximately 67 percent is discharged to the proponent's existing on-site leaching field.

In their comments, DEP has indicated that the existing leaching fields located within the project site have sufficient capacity to accommodate the additional wastewater flows anticipated from the Phase III development. DEP has indicated that the proponent's reuse of wastewater for toilets and urinals should be employed for the Phase III development with the exception of the proposed hotel.

Drainage/Water Quality:

As currently designed, the Phase III project will create approximately 16 acres of additional impervious surface area. According to the information provided in this NPC submittal, the proponent's existing Stormwater Management System has been designed and constructed with the capacity to accommodate the existing stormwater flows from the existing Phase I and Phase II developments, and the additional stormwater flows anticipated from the proposed Phase III development. The existing stormwater management system has been designed, according to DEP Stormwater Management Guidelines, to remove a minimum of 80% of the total suspended solids (TSS), and includes the use of deep sump catch basins, sediment forebays and drainage swales to collect and convey stormwater runoff to existing on-site water quality units and four detention basins via a closed piped system with eventual discharge to wetland resource areas located adjacent to the project site. The Phase III development project will expand and enhance the existing stormwater management system as needed. I anticipate that DEP's permit review process will require the proponent to demonstrate the project's consistency with existing and any proposed revisions to DEP's Stormwater Management Policy and Guidelines, including the use of Best Management Practices (BMPs) to achieve the laudable goals of reducing the impacts of development on peak flow, recharge volume, removal of total suspended solids (TSS) and other pollutants.

I strongly encourage the proponent to continue to evaluate opportunities for incorporating sustainable design alternatives including Low Impact Development (LID) techniques in the project's site design and stormwater management plans. LID techniques incorporate stormwater best management practices (BMPs) and can reduce impacts to land and water resources by conserving natural systems and hydrologic functions. The primary tools of LID are landscaping features and naturally vegetated areas, which encourage detention, infiltration and filtration of stormwater on-site. Other tools include water conservation and use of pervious surfaces. Clustering of buildings is an example of how LID can preserve open space and minimize land disturbance. LID can also protect natural resources by incorporating wetlands, stream buffers and mature forests as project design features. For more information on LID, visit <http://www.mass.gov/envir/lid/>. Other LID resources include the national LID manual (Low Impact Development Design Strategies: An Integrated Design Approach), which can be found on the EPA website at: <http://www.epa.gov/owow/nps/lid/>.

Sustainable Design:

A new development of the size of the proposed project presents a host of opportunities for incorporating sustainable design elements and sustainable construction into project design, consistent with the goals of Executive Order 385. Sustainable design elements, over the course of the project design life, can both prevent Damage to the Environment and reduce operating costs to the proponent. To the extent feasible, the proponent should incorporate sustainable design elements into the project design. The basic elements of a sustainable design program may include, but not be limited to, the following measures:

- Optimization of natural day lighting, passive solar gain, and natural cooling,
- Use of energy efficient HVAC and lighting systems, appliances and other equipment, and use of solar preheating of makeup air,
- Favoring building supplies and materials that are non-toxic, made from recycled materials, and made with low embodied energy,
- Provision of easily accessible and user-friendly recycling system infrastructure into building design,
- Development of a solid waste reduction plan,
- Development of an annual audit program for energy consumption, waste streams, and use of renewable resources,
- LEED certification, and
- Water conservation and reuse of wastewater and stormwater.

Construction Period Impacts:

The proponent should employ measure to minimize to the maximum extent practicable, construction period impacts, including: impacts from earth moving/blasting, impacts to vegetation, potential impacts from erosion and sedimentation, traffic impacts on adjacent roadways, and impacts to adjacent land uses. The proponent should also require its contractors to retrofit diesel-powered equipment with emissions controls, such as particulate filters or traps, and use low-sulfur diesel fuel. The proponent should also commit to specific TDM measures that can be implemented during construction.

Mitigation:

The proponent should forward to the MEPA Office for the file an updated summary of all mitigation to which the proponent has committed, and/or completed for the full-build New Patriots Stadium and Public Infrastructure Project, and an updated and revised draft Section 61 Findings for DEP and MHD permits. The Section 61 Findings for MHD should be in the form of a draft Letter of Commitment.

June 30, 2006
DATE


Stephen R. Pritchard, Secretary

Comments received:

06/19/06	Edgewood Development Company, LLC
06/23/06	Department of Environmental Protection (DEP) – SERO
06/23/06	Town of Foxborough, Board of Water and Sewer Commissioners
06/23/06	Neponset River Watershed Association
06/26/06	Massachusetts Highway Department (MHD)

#12037 NPC – Phase III, Patriot Place
SRP/NCZ/ncz