



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street, Suite 900

Boston, MA 02114-2524

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

STEPHEN R. PRITCHARD
SECRETARY

Tel. (617) 626-1000
Fax. (617) 626-1181
<http://www.mass.gov/envir>

July 7, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Proposed Wal-Mart Store
PROJECT MUNICIPALITY : Lancaster
PROJECT WATERSHED : Nashua
EOEA NUMBER : 13816
PROJECT PROPONENT : Wal-Mart Stores, Inc.
DATE NOTICED IN MONITOR : June 7, 2006

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.03 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **requires** the preparation of a mandatory Environmental Impact Report (EIR).

As described in the Environmental Notification Form (ENF), the project involves development of a 202,701 square foot (sf) retail home improvement store and two out-parcels on an approximately 50.5 acre parcel. The proposed project consists of a Wal-Mart "Supercenter" with retail space, a grocery store and an outdoor garden center. The out-parcels will contain complimentary uses such as restaurants or smaller retail shops. The project will also include construction of 893 parking spaces. The site is located on the southern side of the Old Union Turnpike (also known as Leominster-Harvard Road) and is presently occupied by a Par 3/driving range golf course with related clubhouse, amenities, and parking. The southern, western and eastern portions of the site contain extensive bordering vegetated wetlands. The work will include the construction of a driveway, associated utilities, drainage facilities, retaining walls, grading, and the construction of an on-site wastewater treatment facilities and water supply wells.

Increased storm water runoff rates and volumes will be controlled through the proposed stormwater management facilities, with the use of Best Management Practices that comply with DEP standards. Construction term sediment and erosion control measures will be implemented to manage stormwater runoff and minimize erosion during construction. The proponent has

outlined preliminary proposed mitigation measures to alleviate infrastructure strain due to an anticipated increase in traffic trips associated with retail uses. These mitigation measures include the creation of dedicated turn lanes and traffic signals, along with the implementation of Transportation Demand Management measures.

This project is subject to a mandatory EIR pursuant to Sections 11.03(1)(a)(2), and (6)(a)(6) of the MEPA regulations. It creates 10 or more acres of impervious area and generates 3,000 or more new vehicle trips. A Massachusetts Highway Department (MHD) access permit will be required for access to Route 2. The project will require a Water Supply permit, a Pump Test permit, a Major Groundwater Discharge permit and an Approval to Construct a Water Treatment Facility from the Department of Environmental Protection (DEP). It must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over one acre. The project may potentially require a Section 401 Water Quality Certificate from DEP and a Section 404 Permit (PGP or Individual) from the U.S. Army Corps of Engineers contingent upon a determination of the jurisdictional status of an on-site irrigation pond. An Order of Conditions will be required from the Lancaster Conservation Commission for work within wetland resource areas.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that may have significant environmental impacts and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction exists over land alteration, traffic/air quality, water supply, wastewater, wetlands, and stormwater.

The proponent must prepare a Draft and a Final EIR in fulfillment of the requirements of Section 11.03 of the MEPA regulations.

SCOPE

General

The EIR should follow the general guidance for outline and content contained in section 11.07 of the MEPA regulations, as modified by this Certificate. The EIR should contain a copy of this Certificate and a copy of each comment received. The proponent should circulate the EIR to those parties who commented on the ENF, to any state agencies from which the proponent will seek permits or approvals, the DEP Division of Air Quality, and to any parties specified in section 11.16 of the MEPA regulations.

Project Description and Permitting

The EIR should include a description of the proposed project, including as much information as possible on lighting, grading, landscaping, and buffers between the site and adjacent uses. The EIR should also include existing and proposed grading plans. The EIR should provide a detailed project description with a summary/history of the project. The EIR should provide a detailed description of the use, location of entry driveways, parking and stormwater management associated with the out-parcels identified in the ENF. The EIR should identify and describe any project phasing. It must identify all parcels in the vicinity of the project site that the proponent either owns or has the option to purchase, including the 10.1 acre parcel immediately south of the project site. If this "non-buildable" lot becomes available for future development, the proponent shall submit a Notice of Project Change (NPC) in accordance with the MEPA regulations for further review.

I acknowledge the comment letters submitted in response to this ENF that expressed concerns regarding other large parcels of undeveloped land adjacent to the project site. However, the MEPA regulations allow for the review of parcels under single ownership. Therefore, I cannot mandate an evaluation of impacts of potential future uses on adjacent parcels. However, it is conceivable that, given the size of the adjacent parcels in question, any proposed developments on these sites would be subject to independent review under MEPA.

The EIR should briefly describe each state permit required for the project, and should demonstrate that the project meets any applicable performance standards.

Comments

The EIR should respond fully to the substantive comments received. The EIR should present additional technical analysis and/or narrative as necessary to respond to the concerns raised, not otherwise raised in this Certificate. The proponent should circulate a copy of the EIR to any party submitting written comments on the ENF and in accordance with Section 11.16 of the MEPA Regulations. The EIR should contain a copy of this Certificate and of each comment received. A copy of the EIR should be made available for public review at the Lancaster and Leominster Public Libraries.

Alternatives

The EIR should analyze the following alternatives:

- No-Build Alternative;
- Preferred Alternative as proposed by the proponent, with additional information showing buildout of the two identified out-parcels adjacent to Old Union Turnpike, in a manner consistent with the existing traffic study and local zoning; and

- A Reduced Impact Alternative, incorporating a reduction in impervious surfaces and low-impact design development techniques to reduce stormwater runoff and wetland impacts.

The EIR should identify the impacts conceptually for each of the alternatives, on land alteration (impervious area), traffic, parking, drainage, drinking water consumption, wastewater and wetland impacts in a tabular format. This table, along with a supporting narrative, should provide a comparative analysis that clearly shows the differences between the environmental impacts associated with each of the alternatives. The proponent should provide information regarding project economics that will help inform any determination of which alternatives are truly feasible.

The EIR should identify and explain any project phasing. It should discuss how this project is compatible with Executive Order 385 – Planning for Growth, by discussing its consistency with Lancaster zoning, impacts to the City of Leominster, local land use plans and the applicable regional planning documents.

Land Alteration

The project as currently designed results in impervious coverage over much of the site. For each alternative, the EIR should quantify the amount of land altered, the amount of earth work involved in meeting final grades, anticipated locations and heights of retaining walls, and the amount of impervious surfaces created. The EIR should investigate all feasible methods of avoiding, reducing, or minimizing impacts to land.

Traffic

The transportation analysis presented in the EIR should conform to the EOEA/EOTC Guidelines for EIR/EIS Traffic Impact Assessment, as modified by this scope and the comment letter from the Executive Office of Transportation (MassHighway). The EIR should identify appropriate mitigation measures for areas where the project will have an impact on traffic operations, should include appropriate commitments to implement the mitigation, and should specify the schedule for implementing the mitigation. Numbers from actual Wal-Mart SuperCenters (preferably those located in Massachusetts or in a similar retail market) may be incorporated as a separate section within the traffic analysis for comparative purposes, with a methodology and sample size clearly stated regarding the origin of such trip generation rates.

The additional trip generation associated with this project will worsen traffic operations along Old Union Turnpike. The EIR should identify appropriate mitigation measures for areas where the project will produce impacts on local and regional traffic operations, especially where delay and queue length increases at intersections. The proponent should provide a clear commitment to implement mitigation measures and should describe the timing of their

implementation based on the phases of the project, if any. The unadjusted and adjusted trip generation rates, diverted-linked trips, and pass-by trips must be fully explained in the EIR. Any proposed traffic signal associated with project development must include a traffic signal warrant analysis according to the manual of Uniform Traffic Control Devices (MUTCD) standards as modified by the MassHighway comment letter regarding right turn movements. The EIR should discuss the suitability of proposed signalization changes and any roadway widening. It should discuss right-of-way (ROW) implications of widening and describe how such ROW's would be acquired.

The EIR's traffic study should include the weekday evening peak hour and the Saturday peak hour for each movement for study area intersections. It should verify what the proposed afternoon peak hour is. The EIR should include a morning peak hour analysis to identify any impacts on morning commuter traffic along the Route 2 corridor. The EIR should present capacity analyses and a summary of average and 95th percentile vehicle queues for each intersection within the study area. In addition, the EIR should present a merge and diverge analysis for each ramp junction.

Traffic accident history for the three most recent years for which data are available should be reviewed and presented for the study area. In the EIR, traffic accident problem areas should be identified, and solutions should be proposed.

The traffic study should address MassHighway's comments in regards to the trip distribution employed in the traffic study.

At a minimum, the traffic study should analyze the following state highway and local roadway locations:

- I-190/Route 2 interchange;
- Leominster Connector/Nashua Street intersection;
- Harvard Street/Route 2 westbound off-ramp intersection;
- Harvard Street/Mechanic Street/Old Union Turnpike intersection;
- Old Union Turnpike/Route 2 eastbound ramps/eastern site drive intersection;
- Route 70/Old Union Turnpike intersection; and
- Harvard Street/Duval Road intersection.

Based upon comment letters received and comments expressed during the public consultation session, I ask that the proponent meet with the Town of Lancaster and City of Leominster to determine whether other intersections within the project vicinity are likely to receive a significant increase in traffic as a result of this project. If study of additional intersections is warranted, these study areas should be consistent with those intersections that would likely be studied as part of the anticipated local permitting process (i.e. Site Plan Review) and include any intersection that will experience an increase attributable to the project of 10% or

more over existing traffic volumes and that currently operates at level of service (LOS) D or worse.

The EIR should investigate potential roundabout alternatives at the location of the Harvard Street/Route 2 westbound off-ramp, Harvard Street/Mechanic Street/Old Union Turnpike and Old Union Turnpike/Route 2 eastbound ramps/eastern site drive intersection as recommended by MassHighway.

The EIR should include conceptual plans for the proposed roadway improvements that should be sufficient detail to verify feasibility of constructing such improvements. The conceptual plans should clearly show proposed lanes widths and offsets, layout lines and jurisdictions, and the land uses (including access drives) adjacent to areas where improvements are proposed. Any mitigation within state highway layout must conform to MassHighway standards, including but not limited to, provisions for lane, median and shoulder widths, and bicycle lanes and sidewalks.

The EIR should discuss the proponent's coordination efforts with MassHighway and the local municipalities as they address regional and local traffic concerns within this area. It should provide the most current information on the proposed construction dates for any roadway improvements in the area.

The EIR should include a comprehensive Transportation Demand Management (TDM) plan that investigates all feasible measures aimed at reducing site trip generation. The TDM plan should included specific measures that have been successful in reducing trip generation for retail/mixed-use projects. The TDM plan should also identify the existing modes long the corridor such as transit, walking, and bicycling; analyze their existing and future conditions based on the project's impacts; and provide improvements to attract mode usage. The proponent should work with the Town of Lancaster and City of Leominster to ensure continuity of the sidewalk system and devise a plan to ensure future maintenance. The proponent should provide a clear commitment to implement and continuously fund any evaluated TDM measures deemed feasible to sustain and increase mode usage. The proponent should determine if implementation of the DEP's Rideshare regulation is necessary.

The EIR should discuss measures that can be taken to restrict truck deliveries during peak hours to minimize traffic impacts on the project area. The proponent should indicate steps to be implemented regarding compliance with DEP's anti-idling regulations (310 CMR 7.11), which prohibits unnecessary idling over five minutes.

Air Quality

The project as currently proposed will generate 11,244 new vehicle trips per day (VTD). The EIR should therefore include an air quality mesoscale analysis of Build and No Build condition conducted in accordance with DEP Mesoscale Analysis Requirements as outlined in

DEP's comment letter. Emission increases due to the project must be mitigated and subsequent environmental documents should contain the proponent's commitment to do so. (When discussing such measures, the proponent may reference the TDM section to the extent that the TDM program and mesoscale air quality mitigation overlap.)

Parking

The EIR should describe how the number of parking spaces was determined, and assess whether the full construction of 893 parking spaces on the project site will actually be required to handle parking demand generated by the project. The proponent should clarify if additional parking spaces will be required for the out-parcels in all design alternatives. The proponent should investigate the feasibility of providing reserve parking within the subject property that may only be used if demand warrants, and could be left in an unimproved (i.e. non-altered or landscaped) condition, in lieu of pavement. If parking supply is greater than the amount required under local zoning, the EIR should explain why, and discuss the impacts of excess parking upon the proposed Transportation Demand Management (TDM) program, and the feasibility of an alternative with fewer spaces or reserved parking. The EIR should identify reserved parking areas for employee ridesharing.

Bicycle Facilities

The proponent has stated that they have agreed to donate land along the site frontage to accommodate a future pedestrian/bicycle path proposed by the Town connecting the Sears Town Mall (in Leominster), across Route 70, to the local beach. The EIR should provide a discussion of the status of this land donation, and provide a brief history of the proposed bike path. The EIR should investigate all bicycle path connections and opportunities in the project area and determine reflect linkage possibilities with the project design. Bicycle parking/storage areas should be identified on a plan.

Wetlands/Drainage

The Commonwealth has endorsed a "No Net Loss Policy" that requires that all feasible means to avoid and reduce the extent of wetland alteration be considered and implemented. The Wetland Section of the EIR should conform to this approach by first examining options that avoid impacts to wetland resource areas, their associated buffer zones, riverfront protection areas and 100-year flood plain areas. Where it has been demonstrated that impacts are unavoidable, the EIR should illustrate that the impacts have been minimized, and that the project will be accomplished in a manner that is consistent with the Performance Standards of the Wetlands Regulations (310 CMR 10.00).

The EIR should identify the wetland resource areas (including any bordering vegetated

wetlands, banks, intermittent streams, perennial streams, land under the water, bordering land subject to flooding, and isolated land subject to flooding) and buffer zones present on the site and immediately adjacent to the site on a reasonably scaled plan. Identification of wetland resource areas should include a survey of potential vernal pools within the study area and a consultation with the MA Natural Heritage and Endangered Species Program regarding the potential project impacts. The determination of jurisdiction by the Army Corps of Engineers should be provided regarding impact to the irrigation pond (proposed to be filled) and associated Isolated Land Subject to Flooding (ILSF). Calculations of the ILSF should be provided in the EIR. The project proponent should investigate the potential intermittent stream identified in DEP's comment letter and provide supporting data and narrative in response to DEP's concerns.

The EIR should identify the significance of all the wetland resources present, including value to public and private water supply, flood control, storm damage prevention, prevention of pollution, and fisheries and wildlife habitat. The EIR should analyze both direct and indirect (i.e. changes in drainage patterns) impacts on wetlands and habitat resulting from the project. The EIR should provide detail regarding impact to wetlands and wetland buffer zones related to site grading, impervious areas, and other site development features. The EIR should evaluate any wetlands impacts associated with project-specific off-site traffic mitigation. The EIR should demonstrate that the proponent has minimized impacts (to both on-site and adjacent off-site wetlands) to the maximum feasible extent. The EIR should explain any local wetland requirements, and how compliance with these requirements affects project design. The EIR should conceptually identify locations for wetland replication, if necessary.

The project as currently designed will create significant new impervious surfaces. The EIR should present drainage calculations and conceptual plans for the management of stormwater from the proposed project. It should include a description of the proposed drainage system design, including a discussion of the alternatives considered along with their impacts. This discussion should describe any drainage impacts associated with the proposed off-site roadway improvements. The EIR should identify the quantity and quality of flows. The rates of stormwater runoff should be analyzed for the 10, 25 and 100-year storm events. The EIR should consider the impacts of Stormwater runoff to the adjacent bordering vegetated wetland system, White Pond, adjacent agricultural uses, and nearby shallow drinking water wells associated with residences along White Pond. The EIR should discuss the feasibility of stormwater infiltration.

The EIR should address impacts of salt and sand associated with parking lot snow removal on the quality and quantity of stormwater runoff, functionality of best management practices and designate snow storage areas within the development area. If the proponent ties to the existing MHD stormwater system, the EIR should clarify the permits required and if there will be a recharge deficit on-site.

The EIR should address the performance standards of DEPs Stormwater Management

Policy. It should demonstrate that the design of the drainage system is consistent with this policy, or in the alternative, why the proponent is proposing a drainage system not recommended by DEP. The proponent should use the DEP Stormwater Management Handbook when addressing this issue. The proponent should discuss opportunities to incorporate Low-Impact Design stormwater management techniques within the project site, and if not feasible, shall provide a discussion supporting this conclusion.

In addition, a maintenance program for the drainage system will be needed to ensure its effectiveness. This operation and maintenance plan should be consistent with the Stormwater Pollution Prevention Plan required under the National Pollutant Discharge Elimination System Construction General Permit and should outline the actual maintenance operations, sweeping schedule, responsible parties and back-up systems.

Drinking Water

The project will include the development of two water supply wells located in the rear portion of the development parcel. The EIR should include a discussion of test results related to potential well yields, the location of associated Zone I and Zone II wellhead protection areas and their relationship to nearby agricultural uses, anticipated project water demand, impacts to adjacent wetland areas due to water withdrawal and the visual impact of the proposed water tower. The EIR should provide detail regarding ownership control of the associated Zone I wellhead protection areas. The EIR should include a hydrogeologic report outlining the impact of on-site well development to adjacent private wells located along White Pond Road, Holiday Lane, and Mechanic Street, in terms of yield and water quality. This hydrogeologic report should include a graphic depicting the relationship of the proposed wells to residential wells investigated as part of the report.

The EIR should discuss the potential impacts of chemical use with previous agricultural uses on the property (>15 years ago) on the water quality of the proposed wells. A baseline water quality report should be provided within the EIR.

The EIR should specify what best management practices the proponent will institute to insure stormwater quality in on-site Zone I and II's. The EIR should outline water use reduction measures to be implemented within the building and exterior garden center.

Considerations for water conservation should be made through the investigation of xeriscaping opportunities associated with on-site landscaping. The proponent should identify the potential use of on-site irrigation, including estimated water demand for irrigation purposes.

Wastewater

The ENF indicates that the project will generate approximately 27,840 gallons per day of wastewater. Wastewater will be treated with an on-site wastewater package treatment facility (WWTF). The EIR should provide a discussion of the proposed treatment and disposal facilities, design flow, site location and conditions, any surface water, any proposed drinking water wells and public drinking water supply water supply protection zones. The EIR should discuss the potential environmental impacts of such a facility to both on-site and adjacent residential water supply wells, overall groundwater health (including opportunities for recharge) and wetlands. If possible, the proponent should confirm their anticipated wastewater treatment rates with comparably sized Wal-Mart facilities. Alternative wastewater treatment and disposal methods should also be evaluated and discussed.

The proponent should outline an operation and maintenance plan for the WWTF and investigate possibilities for reclaimed water use within the project site. The EIR should outline the proponent's efforts to reduce water consumption and thereby reduce wastewater generation.

Visual/Aesthetics

The EIR should include an analysis of the visual impacts of the proposed project, including renderings of the proposed buildings as viewed from all sides. It should include a landscaping plan of the project site. The EIR should identify any lighting impacts from the project on the surrounding area.

Historic/Archaeological

The EIR should provide a discussion and documentation of response from the Massachusetts Historical Commission (MHC) regarding the need for additional information pertaining to the Elisha Davis House (MHC# LAN.58) per correspondence included within the ENF dated May 11, 2006 from Bohler Engineering to MHC.

Construction Period

The EIR should present a discussion on potential construction period impacts (including but not limited to noise, vibration, dust, and traffic flow disruptions) and analyze and outline feasible measures, which can avoid or eliminate these impacts. The EIR should outline the proposed methodology for demolition on site and removal of demolition debris. I encourage the proponent to consider participating in DEP's Clean Construction Equipment Initiative / MassDEP Retrofit Program consisting of an engine retrofit program and/or use of low sulfur fuel to reduce exposure to diesel exhaust fumes and particulate emissions during construction.

Sustainable Design

To the maximum feasible extent, the proponent should incorporate sustainable design elements into the project design. The EIR should summarize the proponents' efforts to obtain a Leadership in Energy and Environmental Design (LEED) Certification for the buildings. 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.

According to the Urban Land Institute, and Wal-Mart's corporate website, Wal-Mart has constructed several Wal-Mart Supercenters as test models for sustainable design and energy conservation. I strongly encourage the project proponent to consider this location as a potential future model, or to incorporate components of sustainable design into the project design. The EIR should include a narrative describing Wal-Mart's corporate policies regarding waste reduction, water use, and other sustainable design initiatives.

Mitigation

The EIR should include a separate chapter on mitigation measures. It should include plans showing the configuration of each roadway intersection proposed for modification. It should develop transportation and parking demand management measures to reduce single passenger automobile trips to the project and encourage ridesharing by employees to the site through the use of preferential parking.

The mitigation section should include a proposed Section 61 Finding for all state permits. The proposed Section 61 Finding should contain 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. A schedule for the implementation of mitigation should also be

included.

July 7, 2006

Date


Stephen R. Pritchard

Comments Received:

7/3/06	Bruce Hamblin, Lancaster Planning Director
6/29/06	Department of Environmental Protection - CERO
6/29/06	Executive Office of Transportation – Office of Transportation Planning
6/28/06	Department of Environmental Protection – Transportation Management Programs Branch / Bureau of Waster Prevention
6/28/06	Montachusett Regional Planning Commission
6/28/06	Jean Lidstone
6/27/06	Jill Hennessey
6/27/06	Patrick McEville
6/26/06	Bonnie Dellana
6/26/06	Joe Ramirez
6/26/06	Paul and Jennifer Leone
6/26/06	Arthur P. DiGeronimo, Jr.
6/26/06	Christopher Wagner, Carr Research Laboratory, Inc.
6/26/06	Warren Gove
6/25/06	Bob Sarafconn
6/25/06	Don Leger
6/24/06	Sandra Snell
6/23/06	Patrice Harvey
6/23/06	John Roseberry, Leominster Public Works
6/23/06	Paul Gove, Gove Farm

13816ENF

SRP/HSJ/hsj