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September 12, 2008

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

PROJECT NAME : The Shoppes at Harrington Farms
PROJECT MUNICIPALITY : Shrewsbury
PROJECT WATERSHED : Sudbury
EEA NUMBER : 14158
PROJECT PROPONENT : Retailscapes, LLC
DATE NOTICED IN MONITOR : August 6, 2008

The Secretary of Energy and Environmental Affairs hereby determines that the Final Environmental Impact Report (FEIR) submitted on the above project **adequately and properly complies** with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62I) and with its implementing regulations (301 CMR 11.00).

Project Summary

As currently proposed, the Shoppes at Harrington Farms project involves the two-phased development of approximately 113,000 square feet (sf) of supermarket, restaurant and retail space in three separate buildings on a 24.80-acre site located on Route 9 and South Street in Shrewsbury. Phase I of the project will involve the construction of a 64,454-sf supermarket and 234 surface parking spaces. Phase II will include the construction of an approximately 42,500-sf commercial retail building, a stand-alone 6,500-sf (200 seats) restaurant building and 223 surface parking spaces. The phased project will generate approximately 7,281 new average daily trips (adt). The design program for the project was modified subsequent to the Secretary's January 23, 2008 issuance of the Certificate on the Environmental Notification form (ENF) resulting in decreased impacts to wetland resource areas and minor increases to traffic generation, surface parking, water use and wastewater generation.

Potable water use and wastewater generation is estimated in the FEIR at 15,356 gallons per day (gpd) and will be served by the Town of Shrewsbury. The project will result in the creation of approximately 8.5 acres of new impervious area. The Proponent proposes one site drive on South Street and two separate site drives on Route 9. The project's internal roadway plan calls for a wetland crossing to connect the Phase I and Phase II developments.

Required Permits and MEPA Jurisdiction

The project is undergoing MEPA review and is subject to a mandatory EIR pursuant to Section 11.03(6)(a)(6) because it involves generation of 3,000 or more new average daily trips (adt) on roadways providing access to a single location. The project is also undergoing MEPA review pursuant to Section 11.03(6)(b)(15) because it will result in the construction of 300 or more new parking spaces at a single location. The project requires a Vehicular Access Permit from the Massachusetts Highway Department (MassHighway) for access to Route 9, a Section 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP), and a U.S. Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Permit for stormwater discharges from a construction site of over one acre. The project may require a Section 404 Programmatic General Permit (Category II) from the U.S. Army Corps of Engineers (USACOE). A Superseding Order of Resource Area Delineation was issued by MassDEP on May 5, 2008. The Proponent must file a Notice of Intent (NOI) with the Shrewsbury Conservation Commission for work within a resource area.

The Proponent is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction applies to those aspects of the project within the subject matter of required, or potentially required, state permits that have the potential to cause damage to the environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to transportation, wastewater, wetlands and stormwater.

Transportation

The FEIR includes an updated traffic study that conforms to the EEA/EOT Guidelines for Traffic Impact Assessment. Using the Institute of Traffic Engineers Trip Generation land use code 820 - Shopping Center, the project is estimated to generate a total of approximately 7,281 new vehicle trips on the average weekday. The traffic study addressed the proposed full build-out for the Shoppes at Harrington Farm project. The FEIR includes the following proposed traffic mitigation measures:

- geometric modifications to widen the South Street southbound approach to the Route 9/South Street intersection to provide an exclusive left-turn lane, a shared through/left-turn lane, a shared through left-turn lane, and an exclusive right-turn lane;
- geometric modifications to widen the Route 9 westbound approach to the Route 9/South Street intersection to provide an exclusive right-turn lane, two through lanes and an exclusive left-turn lane; and,
- traffic signal phasing and timing modifications for the existing Route 9/South Street traffic signal.

I note that according to MassHighway, the Proponent may be required to complete the construction of the traffic mitigation commitments prior to site occupancy. The Proponent should continue its coordination efforts with local area neighborhoods, proponents of other development projects in the area, MassHighway, the Town of Shrewsbury and the Central Massachusetts Regional Planning Commission (CRMPC) during final project design and construction. The Proponent must continue to work closely with MassHighway's Public/Private Development Unit and the District 3 Office, to successfully resolve design issues for the overall traffic mitigation plan proposed for the project.

Transportation Demand Management (TDM) Plan

The FEIR includes a description of the Proponent's Transportation Demand Management (TDM) plan proposed for the project. All project tenants and businesses should be required to participate in the proposed TDM plan. The Transportation Demand Management (TDM) plan includes:

- the appointment of an Employee Transportation Coordinator (ETC) by the supermarket tenant;
- the promotion of the use of on-site amenities including on-site banking, employee direct deposit banking, and on-line shopping with in-store pick-up;
- the installation of bicycle amenities including secured bicycle storage racks at each building; and,
- the promotion of commuter assistance programs available through MassRides.

Transit

The Proponent has continued discussions with the Worcester Regional Transit Authority (WRTA) and local area businesses in Shrewsbury to identify opportunities for providing curb-to-curb WRTA transit service, and car/vanpool service to the project site. According to the Proponent, extending existing public transit to the project site is not feasible in the near term. The Proponent has committed to reserve space near the project site South Street entrance for a potential future bus stop/shelter. The Proponent should continue to work closely with the Worcester Regional Transit Authority (WRTA), the Town of Shrewsbury and others to identify opportunities to extend existing bus service (Route #15) and/or shuttle service to the project site.

Pedestrian and Bicycle Facilities

As illustrated in site plans provided in the FEIR, the Proponent has committed to construct sidewalks along the north and south side of the project's South Street site driveway, and a small portion of South Street from the project site driveway north to an existing sidewalk.

Proposed improvements to the South Street/Route 9 intersection will be made by the Proponent to accommodate the construction of future sidewalks along a portion (approximately 450 feet) of South Street from the South Street/Site Drive intersection to the South Street/Route 9 intersection. MassDEP recommends that the Proponent relocate the proposed truck delivery route away from the north side of the property abutting the existing condominium residences to avoid creating a noise nuisance condition and to enhance pedestrian access to the project site.

In its comments, MassDEP has requested the Proponent to provide a sidewalk from the project's South Street site drive south along eastside of South Street to the Route 9/South Street intersection to connect the project site to an existing apartment complex located on the southwest corner of the on Route 9/South Street intersection. As described in the FEIR, the Proponent evaluated the construction of a sidewalk from the project's South Street driveway south along South Street to the Route 9/South Street intersection, and a crosswalk across Route 9 as part of the Proponent's mitigation commitments, and determined that construction of a crosswalk at this intersection could result in safety and traffic operation issues. The Proponent has consulted with MassHighway and has committed to ensuring that the on-site project design and proposed off-site traffic improvements to the Route 9/South Street intersection will accommodate the potential future construction of a sidewalk from the project site south along South Street to the Route 9/South Street intersection, and a pedestrian crosswalk across Route 9.

Greenhouse Gas Emissions

The FEIR includes the results of the Greenhouse Gas (GHG) Emissions analysis based on the Proponent's preliminary assumptions regarding project-related traffic and proposed building/energy consumption sources. The Proponent evaluated the change in carbon dioxide (CO₂) emissions from project-related traffic and proposed building/energy consumption sources for the 2012 Base Case (compliance with Massachusetts Building Code), 2012 Preferred Alternative (includes some energy-saving design features) and the 2012 Mitigation Case (includes additional energy saving elements). Because there was an error in the calculations presented in Table 8 in the FEIR, the Proponent submitted a revised Table 8 via email on September 11, 2008. Total CO₂ emissions under the 2012 Build are estimated at 5,674 tons per year (tpy). Under the Preferred Alternative scenario, total CO₂ emissions are estimated at 5,235 tpy, a reduction of 439 tpy, or 7.7 percent. Under the 2012 Mitigation Case, total CO₂ emissions are estimated at 5,202 tpy, a reduction of 472 tpy, or 8.3 percent.

The proponent has committed to the Mitigation Alternative items for the supermarket as part of Phase 1 of the project. The September 11, 2008 email also clarifies that the 8.3% reduction includes the measures itemized in Tables 1-B and 1-C of the FEIR for both phases of the project. The Proponent will ensure that prospective tenants for the restaurant and retail uses agree to these reasonable and standard energy efficiency design items. As stated in the FEIR, the Proponent will recommend that these tenants utilize similar mitigation strategies to the Mitigation Alternative for the supermarket (for example, a low albedo roof); however, only measures listed in Tables 1-B and 1-C for the retail and restaurant uses were assumed in the calculations. These commitments are consistent with the calculated reductions presented in the revised Table 8 and include the following measures to reduce the project's direct and indirect energy-related CO₂ emissions including:

- Duct Sealing;
- Energy Management Systems/Programmable Thermostats;
- High-Efficiency HVAC Systems;
- Use of Skylights to Maximize Interior Day-Lighting;
- Third Party Building Commissioning;
- Use of Energy Efficient Windows;

- Reduced Refrigerant Use
- Use of Environmentally Friendly Building Materials;
- Use of a Construction Waste Management Program;
- Use of an Operations Waste Management Program;
- Use of a Recyclables Collection Program;
- Use of Energy Efficient Interior Lighting; and,
- Use of a Cool Roof Design.

Upon completion of construction, the Proponent should provide a certification to the MEPA Office signed by an appropriate professional (e.g., engineer, architect, general contractor) indicating that the all of the above referenced mitigation measures, or equivalent measures that collectively will reduce GHG Emissions by 8.3 %, have been incorporated into the project. The certification should be supported by as-built plans. For those measures that are operational in nature (i.e. annual subsidies for transit, TDM, recycling) the Proponent should provide an updated plan identifying the measures, the schedule for implementation and how progress towards achieving measures will be obtained. I request that MassHighway incorporate this self-certification into its Section 61 Finding for this project.

Wetlands

The Proponent modified the project design program in response to the comments received from MassDEP on the DEIR, to relocate Building B outside of wetlands jurisdictional areas to reduce the project's wetlands impacts. The project will result in permanent impacts to approximately 4,6258 sf of Bordering Vegetated Wetlands (BVW) to accommodate the construction of an internal roadway connection between the Phase I and Phase II portions of the project site. The project will also result in the alteration of approximately 4.13 acres of the 100-foot wetlands buffer area resulting from site grading and roadway construction, buildings, and stormwater management infrastructure.

Stormwater

According to the Proponent, the proposed stormwater management system for the commercial retail project has been designed to comply with MassDEP's Stormwater Management Regulations. As designed, the stormwater management system will incorporate the use of hooded deep sump catch basins to convey stormwater runoff to one on-site open detention basin and one underground detention basin.

Water Supply and Wastewater

The potable and fire protection water supply needs for the project (approximately 15,360 gpd) will be served by the Town of Shrewsbury's municipal water supply system. As described in the FEIR, the water supply for the project's proposed irrigation system will be provided by new on-site private wells. The Proponent has committed to incorporate water conservation and water use efficiency in the Phase I project design to comply with the March 1989 state plumbing

code. I strongly encourage the Proponent to commit to employing efficient commercial water conservation technologies for the Phase II portion of the project including water saving devices, low flow toilets, and low flow appliances (e.g. dishwashers, washing machines).

The project's wastewater flows (15,356 gpd) will be conveyed from the project site via Shrewsbury's sewer collection system to the City of Westborough's wastewater treatment facility (WWTF) for treatment and disposal to the Assabet River.

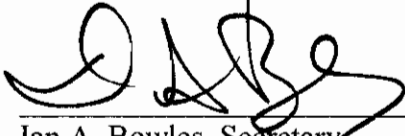
Construction Period Impacts

The FEIR includes a discussion of the Proponent's commitment to design and employ a construction mitigation plan to satisfactorily address the project's potential impacts to local businesses and nearby residential neighborhoods from construction-related project impacts including traffic, noise and dust. The Proponent should consider requiring its contractors to use on-road low sulfur diesel (LSD) fuel in their off-road construction equipment that can increase the removal of particulate matter (PM) by approximately 25 percent beyond that which can be removed by retrofitting diesel-powered equipment. All construction-related refueling and equipment maintenance activities should be conducted under cover on impervious surface areas with containment, and outside of any wetlands resource areas, endangered species habitat areas, residential areas and wellhead protection areas.

Mitigation/Section 61

As noted elsewhere in this Certificate, the Proponent should provide a certification to the MEPA Office signed by an appropriate consultant (e.g., engineer, architect, general contractor) indicating that the all of the above referenced mitigation measures have been incorporated into the project. The certification should be supported by as-built plans. For those measures that are operational in nature (i.e. annual subsidies for transit, TDM, recycling) the Proponent should provide an updated plan identifying the measures, the schedule for implementation and how progress towards achieving measures will be obtained. This self-certification will be a requirement of the MassHighway Section 61 Finding for this project.

September 12, 2008
DATE



Ian A. Bowles, Secretary

Comments Received

09/05/08 Department of Environmental Protection (MassDEP) – CERO
09/13/08 Executive Office of Transportation (MassHighway)

IAB/NCZ/ncz
EEA #14150 FEIR