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September 14, 2007

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

PROJECT NAME : Northgate Meadows and Southgate Business Park
PROJECT MUNICIPALITY : Sterling and Leominster
PROJECT WATERSHED : Nashua River
EOEA NUMBER : 13650
PROJECT PROPONENT : **J. Whitney Development, Inc.**
DATE NOTICED IN MONITOR : August 8, 2007

As Secretary of Energy and Environmental Affairs (EEA), I hereby determine that the Draft Environmental Impact Report (EIR) 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 submit the Final EIR for MEPA review.

Project Description

The project consists of construction of a 158-unit residential development and a 19-lot industrial subdivision on a 73-acre parcel in Sterling and Leominster. The housing is located in Sterling and will include construction of 86 townhouses and 72 apartments. The industrial subdivision is located in Leominster and will include 372,800 sf of manufacturing, research and development, warehousing and office uses. The project will be constructed in three phases. Phase 1 includes the residential development, construction of the original Research Drive cul-de-sac and extension of water and sewer to Jytek Drive. Phase 2 includes construction of the extension of

Research Drive and the industrial lots abutting it. Phase 3 includes full build-out of the industrial subdivision along Technology Drive from Willard Street to Research Drive. The project includes associated infrastructure including access drives and a stormwater management system. It will include construction of 1,493 parking spaces. Access to the site will be provided via Leominster Road (Route 12) and Willard Street. The project site is located on the west side of Route 12 on the Sterling/Leominster border. The site is comprised of relatively flat to gently-sloping topography and contains forested upland and wetland areas. A cleared portion of the site is used to store construction materials.

Potential environmental impacts associated with the project include alteration of 57.4 acres of land, creation of 28.8 acres of impervious surfaces, generation of 5,034 average daily vehicle trips (adt), alteration of 570 sf of bordering vegetated wetlands (BVW), generation of 53,000 gpd of wastewater and 61,000 gpd of water demand.

Permits and Jurisdiction

The project is undergoing MEPA review and subject to preparation of a mandatory EIR pursuant to Section 11.03 (1)(a)(1), (1)(a)(2), (6)(a)(6) and (6)(a)(7) because it requires a state permit and will alter more than 50 acres of land, create ten or more acres of new impervious area, generate 3,000 or more new adt and construct 1,000 or more parking spaces. The project requires a Sewer Connection and a Sewer Extension Permits from the Department of Environmental Protection (MassDEP) and an Access Permit from the Massachusetts Highway Department (MassHighway). It requires an Order of Conditions from the Sterling Conservation Commission and the Leominster Conservation Commission. Because the Order of Conditions from the Leominster Conservation Commission has been appealed, it requires a Superseding Order of Conditions from MassDEP.¹ Also, the project requires a Comprehensive Permit from the Town of Sterling Zoning Board of Appeals. In addition, the City of Leominster has identified the proposed project as a Priority Development Site under Chapter 43D, the state's expedited permitting law. According to the Executive Office of Transportation and Public Works (EOTPW), the City has applied for a number of state programs aimed at economic development including Public Works Economic Development (PWED) and Massachusetts Opportunity Relocation and Expansion (MORE) grants to fund some of the mitigation measures associated with this project.

Because the proponent may seek financial assistance from the Commonwealth, MEPA retains broad scope jurisdiction which extends to all significant environmental impacts potentially resulting from the project. These include land, wetlands, drainage, water quality, traffic and wastewater.

¹ As proposed, the project does not require a 401 Water Quality Certificate from MassDEP but if total wetlands alterations were to exceed 5,000 sf, a 401 Water Quality Certificate would be required.

Procedural History

An Environmental Notification Form was filed in October, 2005 for the construction of the residential development, a 3-lot industrial subdivision and Research Drive. At that time, the project did not exceed any mandatory EIR thresholds and an EIR was not required. The Secretary's Certificate on the ENF noted that a Notice of Project Change (NPC) must be filed if changes to the project resulted in the project exceeding mandatory EIR thresholds.

An NPC was filed in August 2006 describing the expansion of the industrial subdivision by 41.7 acres. In addition, the proponent requested a Phase 1 Waiver to allow Phase 1 of the project to proceed to permitting prior to completion of the EIR for the entire project. The September 22, 2006 Certificate on the NPC established the Scope for the Draft EIR. The October 17, 2006 Final Record of Decision (FROD) granted the request for the Phase 1 Waiver.

Permits for Phase 1 of the project have been issued by MassDEP and MassHighway. In addition, a Comprehensive Permit was issued by the Sterling Zoning Board of Appeals.

Review of the Draft EIR

The Draft EIR includes a thorough description of the project, including project phasing, and a detailed description of the construction methods. It includes a brief description of each state permit or agency action required or potentially required for the project, and addresses the project's consistency with applicable performance standards.

The Draft EIR identifies several alternatives explored for each of the project elements. As previously identified in the EENF, several housing scenarios were explored for Northgate Meadows including varying numbers of units and buildings within Sterling and Leominster. The preferred alternative for the residential project consists of 158 units of housing within 20 buildings consisting of 2 apartment buildings and 18 townhouses. The Draft EIR discusses evolution of the industrial subdivision in Leominster but does not evaluate or compare alternative building programs or layouts or identify related environmental impacts.

The Draft EIR indicates that the project proponent will prepare the industrial sites for development and provide infrastructure including roadways, drainage, sewer, water and other underground utilities. Individual landowners and/or tenants will design individual sites including driveways, parking, buildings, utility connections and site drainage.

The Draft EIR includes a traffic study that adequately described the project impacts on existing and future roadway conditions. Comments from EOTPW indicate that the study conforms to the EEA/EOTPW Guidelines for EIR/EIS Traffic Impact Assessment. According to

the traffic study, the project is expected to generate approximately 5,034 average daily trips on a weekday including 599 in the AM peak period and 608 during the PM peak period. The Draft EIR identifies mitigation for traffic impacts including roadway and signalization projects as well as efforts to minimize vehicle trips to the site.

The Draft EIR identifies wetland resource areas and analyzes impacts to wetlands. It indicates that a total of 570 sf of BVW will be altered and describes how wetland impacts were minimized. It includes a commitment to 1,160 sf of wetlands replication. It indicates that deed restrictions will be placed on the Master Deed to limit future wetland alterations to no more than 5,000 sf. The Draft EIR includes a stormwater plan, storm drainage calculations and addresses the consistency of the drainage plan with the MassDEP Stormwater Management Policy. It indicates that the stormwater will be managed through a combination of Best Management Practices (BMPs), including deep sump catch basins, street sweeping, sediment forebays, water quality inlets and extended detention basins. Efforts to minimize impervious surfaces include placing parking underneath the buildings and minimizing the width of access drives. The extension of Research Drive and Technology Drive will be limited to 2 14-foot wide lanes with grassed medians. Orders of Conditions have been issued for both projects. The Order of Conditions issued by the Leominster Conservation Commission was appealed to MassDEP. MassDEP upheld the Order.

The Draft EIR indicates that water and wastewater needs will be met through extension of the municipal water and sewer systems and that adequate capacity exists. A private pump station, owned and maintained by the Northgate Meadows condominium association will convey wastewater flows via force main to a gravity sewer line within Research Drive. The proponent has indicated it is committed to reducing 212,000 gpd of extraneous clean water (infiltration and inflow (I/I)) from the wastewater system to mitigate the impacts from the Northgate Meadows project. Wastewater from the Southgate Business Park will be served by gravity sewer. The proponent has indicated in its Section 61 Findings that it will commit to I/I reductions to mitigate wastewater impacts but it has not identified the total amount of I/I to be removed. Water will be provided to the Northgate Meadows residential project by Sterling. Water will be provided to the Southgate Business Park by the City of Leominster. The proponent indicates that low flow fixtures will be used to minimize water demand.

The Draft EIR provides a description of construction period impacts, including impacts to vegetation, potential impacts from erosion and sedimentation, and indicates that the proponent will develop a Stormwater Pollution Prevention Program, as required.

Comments from MassDEP and EOTPW identify issues that require further analysis in the Final EIR including further description of the development program and identification of adequate mitigation for traffic impacts. Based on a review of the Draft EIR and comment letters, I find that the Draft EIR adequately and properly complies with MEPA and its implementing regulations.

Issues for the Final EIR

Alternatives Analysis

The Draft EIR indicates that the development program will consist of 210,200 sf of office space, 93,600 sf for industrial manufacturing and 69,000 sf for research and development. This project has previously been proposed and described as an industrial subdivision with a moderate amount of office space and this build program varies significantly from that which was presented in the NPC. The Final EIR should explain the change in the development program, describe its consistency with local zoning, and identify how the change in development program affects estimates for traffic generation, land alteration and impervious surfaces. As reflected in the traffic generation estimates, the increase in overall development and increase in office uses will increase the amount of traffic generated by the project and its associated environmental impacts. The Final EIR should compare the traffic impacts of this proposed alternative with an alternative that is consistent with the previously proposed uses, primarily industrial and research and development.

The Final EIR should provide additional analysis of an alternative site layout that could further minimize impervious surfaces and increase the value of open space on the site. It should evaluate whether a significant open space area could be created around the wetlands area that extends from the Northgate Meadows site to the Southgate Business Park site. The Final EIR should include a plan that clearly identifies the open space that will be provided on the site and indicates whether and how the open space will be protected in perpetuity.

Traffic and Transportation

The change in development program has resulted in an increase over Phase 1 of 3,318 adt on an average weekday, including an increase of 435 trips during the AM peak period and 419 trips during the PM peak period. The Draft EIR indicates that this level of traffic generation will impact the Research Drive/Route 12 intersection, the Route 12/I-190 interchanges and the Route 12/North Row Road/Pratt's Junction Road intersection. The Draft EIR identifies mitigation to mitigate the project's impact on these intersections.

EOTPW comments identified the shift in traffic generation associated with the proposed changes in land use and indicate that trip generation for the industrial and research and development uses should be refined. In addition, comments from EOTPW identified the need for coordinating mitigation with MassHighway and other proposed development projects and clarifying mitigation commitments.

The Final EIR should include a signal warrant analysis for the Route 12/Research Drive intersection. The proponent has committed to install a traffic signal at the Route 12/Research

Drive intersection. EOTPW comments indicate that the Final EIR should include a signal warrant analysis and note that the signal cannot be installed until the warrant is met.

Consistent with the Draft EIR, EOTPW comments indicate that mitigation at the Route 12/I-190 interchanges should consist of modern roundabouts, rather than signalization. The Final EIR should include a plan illustrating the modern roundabout conceptual alternative that is of sufficient detail for MassHighway to evaluate its feasibility and should include a commitment to design these improvements.

The Draft EIR indicates that the proponent is committed to safety measures to improve sight distances at the Route 12/North Row Road/Pratt's Junction Road intersection and identifies potential mitigation for future traffic impacts. Another project under MEPA review, Crown Point Estates (EEA #14075), is proposing mitigation at this location. The proponent should coordinate with Crown Point Estates regarding proposed mitigation and roadway designs and identify who is responsible for what elements of the mitigation.

EOTPW comments indicate that MassHighway will be rebuilding the Route 12/Willard Street intersection. MassHighway has requested that the proponent provide revised phasing and timing changes to the proposed design to improve the level of service (LOS) and projected queue lengths on the Route 12 northbound approach.

The Final EIR should identify funding requests made on behalf of the project proponent by the City of Leominster, identify the amount of funding requested, identify what measures the funding will support and provide the status of each of these funding requests. The Final EIR should address how mitigation commitments will be funded and implemented in the event that the City is unable to secure funding.

I strongly encourage the proponent to consult with MassHighway prior to filing the Final EIR to ensure that the information and analysis included in it will meet their needs. In addition, the Final EIR should provide an update on the local permitting process and identify a draft traffic monitoring plan that will be used to evaluate the need for implementation of mitigation.

Wetlands, Drainage and Open Space

The local Conservation Commissions and MassDEP have reviewed the project's impact on wetlands and its proposed stormwater management plan and issued Orders of Conditions. MassDEP comments note that an individual 401 Water Quality Certificate is required for any real estate subdivision that proposed to fill BVW.

Siting of specific projects on the industrial subdivision lots will require individual wetland filings. The Final EIR should include draft language for the restriction that will be placed on the Master Deed to limit cumulative impacts of the project to 5,000 sf. In addition, the Final EIR should describe in more detail how the proponent will work with landowners and tenants to encourage use of LID techniques in site design including use of rain gardens, roof recharge and low maintenance native plants.

Water and Wastewater

The Northgate Meadows project, located in Sterling, requires a sewer service connection permit from Leominster. MassDEP comments indicate that the proponent should discuss the Town of Sterling's involvement in reviewing the proposed sewer and overseeing future sewer operation.

The Final EIR should describe specific projects that will be implemented to remove a total of 212,000 gallons of I/I from the wastewater system. In addition, it should identify the amount of I/I mitigation associated with the Southgate Business Park project and also identify specific projects that will be implemented.

The Final EIR should include documentation from the City of Leominster that adequate capacity is available to accept wastewater flows and meet water demands (including hydraulic capacity) while maintaining compliance with wastewater and water authorizations. As requested by MassDEP, the Final EIR should include a plan that identifies all private and public water systems within one-half-mile radius of the proposed Project area.

Mitigation and Section 61

The Draft EIR includes Section 61 Findings for state permits and indicates that the proponent is committed to the following measures to avoid, minimize and mitigate project impacts:

- Creation of 1,160 sf of wetlands replication;
- Design and construction of a stormwater management system consistent with MassDEP Stormwater Management Policy;
- Inclusion of parking underneath buildings, narrow roadways and grassed islands to minimize creation of impervious surfaces;
- Removal of 212,000 gpd of I/I from the municipal sewer system;
- Roadway, traffic and safety improvements including signalization of the Central Street (Route 12)/Research Drive intersection, clearing of sight lines at the Leominster Road (Route 12)/North Row Road/Pratt's Junction Road intersection, design and funding of modern roundabouts at the Interstate 190 at Route 12 interchange;

- Coordination with the Montachusett Regional Transit Authority (MART) to extend Route 12 bus service to the site and provision of up to 5 bus shelters on the site; and
- Provision of information on commuter rail service, bus service and park-and ride facilities throughout the industrial and residential developments.

The Final EIR should include an updated summary of all mitigation measures to which the proponent has committed and revised Section 61 Findings for use by the state permitting agencies.

Response to Comments

The Final EIR should include a copy of this Certificate and a copy of each comment received, along with a response to comments. The response to comments should be in the form of a direct narrative response. The Final EIR should present any additional narrative or quantitative analysis necessary to respond to the comments received.

Circulation

The proponent should circulate the Final EIR to those parties who commented on the Draft EIR, to any state agencies from which the proponent will seek permits or approvals and to local officials. In addition, a copy should be provided to the Sterling and Leominster public library.

September 14, 2007

Date



Ian A. Bowles

Comments received:

8/28/07 Massachusetts Department of Environmental Protection (MassDEP)/Central
Regional Office (CERO)
9/11/07 Executive Office of Transportation and Public Works

IAB/CDB/cdb