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September 21, 2007

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

PROJECT NAME : Route 79 Relocation/Station Street Crossing  
PROJECT MUNICIPALITY : Lakeville  
PROJECT WATERSHED : Taunton  
EEA NUMBER : 14062  
PROJECT PROPONENT : Town of Lakeville and the Massachusetts Highway  
Department  
DATE NOTICED IN MONITOR : July 25, 2007

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

The proposed project consists of relocation of Route 79 (Rhode Island Road) and construction of three commercial/retail developments on a 15.82-acre site. The realignment of Route 79 is being initiated in accordance with the Massachusetts Highway Department (MHD) Section 61 Finding for the Riverside Park project (also known as Lakeville Corporate Park). A Certificate on the Supplemental Final EIR for Riverside Park was issued on December 14, 1990 (EOEA# 7423). The realignment of Route 79 and associated signal installation and road widening at the Route 105/Commercial Drive/Route 79 intersection is being proposed to alleviate existing operational and safety deficiencies and to mitigate traffic impacts of the Lakeville Corporate Park project.

The Environmental Notification Form (ENF) submitted in July 2007 focused on the Route 79 realignment and the proponent subsequently filed a revised ENF, as requested by the MEPA Office, to provide supplemental information on three development projects (referred to as Station Street Crossing) proposed for the 15.82-acre site that will be bisected by the relocated segment of Route 79. As described in the Environmental Notification Form (ENF), the project will result in approximately 11.5 acres of new land alteration including 7 acres of new



impervious area. The project will result in generation of 1,583 new vehicle trips per day and construction of 282 parking spaces. The building footprint proposed for the three commercial/retail developments is approximately 51,700 square feet (1.175 acres). According to the Environmental Notification Form (ENF), the project does not involve direct wetlands alteration but will involve work in the wetlands buffer zone. The project is located within the actual habitat of the Eastern Box Turtle (*Terrapene carolina*), a state-listed species of Special Concern, and will result in a take of the Eastern Box Turtle. The project involves demolition and reconstruction of a portion of a stone-lined access ramp associated with the Robert Cushman House, a state-listed historic structure.

The project is undergoing MEPA review pursuant to: Section 11.03(1)(b)(2) because it involves creation of five or more acres of impervious area; Section 11.03(2)(b)(2) because it will result in a taking of a state-listed species of Special Concern; Section 11.03(6)(b)(1)(a) because it includes construction of a new roadway of one quarter or more miles in length; Section 11.03(6)(b)(14) because it will result in generation of 1,000 or more new average daily trips (adt) and 150 or more new parking spaces; and Section 11.03(10)(b)(1) because it will result in demolition of part of a historic structure that is listed in the Inventory of Historical and Archaeological Assets of the Commonwealth.

The project requires an Order of Conditions from the Lakeville Conservation Commission (and on appeal only, a Superseding Order from MassDEP). The project requires a Conservation and Management Permit from the Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP), and a State Highway Access Permit from the Massachusetts Highway Department (MHD). The project will require a National Pollutant Discharge Elimination System (NPDES) Construction Activities Permit from the U.S. Environmental Protection Agency (EPA).

The project involves financial assistance from the Commonwealth and will be undertaken in part by a state agency, the MHD. MEPA jurisdiction therefore extends to all aspects of the project that may cause Damage to the Environment as defined in the MEPA regulations

### Rare Species

As further detailed in the NHESP comment letter, the proponent has been in consultation with NHESP and submitted a draft Conservation and Management Permit application. The proponent has committed to a range of mitigation measures including: permanent protection of approximately 23 acres of Eastern Box Turtle habitat through a Conservation Restriction (CR); construction-phase species and habitat protection and management; and stormwater basin design and maintenance to provide nesting habitat for Eastern Box Turtle. NHESP anticipates being able to issue a Conservation and Management Permit provided all relevant details are adequately addressed. The proponent should continue consultations with NHESP to provide additional information and analysis required for the permit process.

### Transportation

The Southeastern Regional Planning and Economic Development District (SRPEDD) submitted two comment letters expressing concern about the modification to the existing Route 79/105 intersection once the realignment is complete. As further detailed in the ENF and in the proponent's response to SRPEDD comments, the proponent discussed a number of design alternatives with MHD including a) termination of all access between Route 105 and the existing section of Route 79 through a dead-end turn-around, and b) prohibiting traffic access to Route 105 from the existing section of Route 79 by signage and physical restrictions (traffic would be allowed to enter one-way from Route 105 to the existing section of Route 79 under this alternative). SRPEDD recommends removal of all access between Rhode Island Road (the existing Route 79) and Route 105 because of safety concerns related to the crash history at this intersection and its proximity to the I-495 southbound ramp. Based on consultations with the Executive Office of Transportation (EOT), it is my understanding that the access from Rhode Island Road to Route 105 will be closed as part of the Route 79 realignment project. The proponent should continue consultations with MHD and SRPEDD on this issue and to finalize design plans.

As further detailed in the comment letter from Vanasse Hangen Brustlin (VHB) on behalf of National Development, the proposed Route 79 relocation project includes a portion of land (58,795 sf) donated by National Development in accordance with MHD Section 61 Finding for the Lakeville Hospital Redevelopment Project. As noted in the VHB letter, National Development supports the Route 79 Relocation project but had not anticipated an additional land taking of 2,212 sf as proposed in project plans. The proponent should coordinate with National Development and MHD regarding this additional land taking, National Development's proposed roadway improvements, and any potential conflicts between the Route 79 realignment plans and the Lakeville Hospital redevelopment.

### Wetlands and Stormwater

The MassDEP in its comment letter has identified some discrepancies between the wetland boundary shown on ENF plans and the BVW boundary confirmed by the Lakeville Conservation Commission. MassDEP also commented on a channel ("ditch") with a possible hydrologic connection between the BVW and a certified vernal pool on the project site, and identified additional information needs relating to the proposed stormwater management system. In its response to comments (dated August 22, 2007) the proponent indicates that the "ditch" has been confirmed to be non-jurisdictional and not subject to the Massachusetts Wetlands Protection Act in a Determination of Applicability issued by the Lakeville Conservation Commission (March 28, 2007). The proponent should provide updated plans and additional information to the Conservation Commission during the Notice of Intent (NOI) process as further detailed in the MassDEP comment letter, and consult with the Conservation Commission regarding the issues raised by MassDEP.

Historical and Archaeological Resources

According to the ENF, an intensive archaeological (locational) survey was conducted for a 10.8-acre portion of the project site. This survey related to a previously proposed residential apartment development (the Lakeville Apartments, which is now replaced by the proposed Station Street Crossing development). In its comment letter, the Massachusetts Historical Commission (MHC) notes that two ancient sites identified during the survey did not meet the criteria for eligibility for listing in the National Register of Historic Places. However, MHC also notes that the archaeological testing undertaken for the Lakeville Apartments project does not apply directly to the project now under review and did not sufficiently sample the impact areas for the roadway project. The project area is considered to be highly likely to contain significant historic and archaeological resources that have not yet been identified. The proponent should conduct an intensive (locational) archaeological survey as requested by MHC and consult with MHC to discuss changes in the project since the survey for the Lakeville Apartments was performed. The proponent should submit project plans, photographs, and other information to MHC and the Lakeville Historical Commission as requested by MHC in its comment letter. The proponent should consult with MHC to develop measures as appropriate to avoid, minimize, or mitigate any adverse effects to important historic and archaeological resources.

The ENF has defined the nature and general elements of the project and proposed measures to avoid and minimize, or mitigate environmental impacts. Based on a review of the ENF, comments received, and consultation with relevant public agencies, I find that the project does not warrant preparation of an EIR. I am satisfied that any remaining issues can be adequately addressed during the state and local permit and review processes. The proposed project requires no further review under MEPA.

September 21, 2007

DATE



Ian A. Bowles, Secretary

Comments Received:

8/01/07	Massachusetts Historical Commission
8/08/07	Southeastern Regional Planning & Economic Development District
8/11/07	Kenneth J. Motta, Field Engineering Co. Inc. (on behalf of proponent)
8/14/07	Patrick T. Dunford, Vanasse Hangen Brustlin, Inc. (on behalf of National Development)
8/14/07	Massachusetts Department of Environmental Protection
9/10/07	Southeastern Regional Planning & Economic Development District
9/11/07	Massachusetts Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program

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