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

PROJECT NAME : Palmer Motorsports Park
PROJECT MUNICIPALITY : Palmer
PROJECT WATERSHED : Chicopee
EEA NUMBER : 14089
PROJECT PROPONENT : NER Investments, LLC
DATE NOTICED IN MONITOR : August 22, 2007

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 includes the construction of a motorsports track, access roadway, paddock area, grass parking lots, 10,900 square feet (sf) of appurtenant structures (concession stands, private garages, maintenance buildings, etc.), and a stormwater management system. The project site is approximately 658 acres in area, located in Palmer and Ware, with access to the site off West Ware Road in Palmer. No work is proposed in the Town of Ware. The project will include the construction of an approximately one mile long access road and the construction of a 2.14 mile long track. The project site is characterized by steep grades, and is primarily forested woodland under existing conditions. The property has a history of logging and presently contains several gravel roads, cart paths, hiking trails.

The project will disturb approximately 65 acres and create 20 new acres of impervious surfaces. While the site contains extensive wetland systems, the ENF states that direct impact (alteration) to wetland resource areas will be limited to approximately 10,197 sf of Riverfront Area near the site driveway along West Ware Road. The project will require the development of a public water supply well on-site, which will be sited to meet the Massachusetts Department of Environmental Protection (MassDEP) regulations and guidelines for a public water supply. Based upon the information in the ENF, this water supply will service the project site only.

The project is undergoing review pursuant to Sections 11.03(1)(a)(1) and 11.03(1)(a)(2) as the project will require a State agency action and will result in the direct alteration of 50 or more acres of land and the creation of ten (10) or more acres of impervious area. The project will require a permit from MassDEP for the development of a public water supply as well as a Groundwater Discharge Permit for wastewater disposal. The project will require a Construction General Permit under the National Pollutant Discharge Elimination System (NPDES) program from the United States Environmental Protection Agency (U.S. EPA). An Order of Conditions will be required from the Palmer Conservation Commission, or in the case of appeal, a Superseding Order of Conditions from MassDEP. Approvals will also be required from the Palmer Planning Board and Palmer Board of Health. Within the ENF the proponent indicated that a permit would be required from the Massachusetts Highway Department (MassHighway) for access to West Ware Road. Subsequent to the filing of the ENF, the proponent has determined that West Ware Road is not under the jurisdiction of MassHighway, therefore no state agency action will be required for access to the project site.

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, wetlands, water supply, wastewater, 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 Draft Environmental Impact Report (DEIR) should follow the general guidance for outline and content contained in section 11.07 of the MEPA regulations, as modified by this Certificate.

Project Description and Permitting

The DEIR should include a detailed description of the proposed project and characterization of the existing environment in compliance with 301 CMR 11.07(e) and (g). The DEIR should describe the type and nature of proposed activities on-site, including fueling facilities, maintenance activities, frequency of events, and types of motor racing that will be allowed. The DEIR should characterize adjacent uses and their relationship to the proposed project. The DEIR should briefly describe each state permit required for the project, and should demonstrate that the project meets any applicable performance standards.

Alternatives

The ENF did not include a detailed alternatives analysis to allow for an evaluation of the Preferred Alternatives' ability to avoid, minimize or mitigate damage to the environment. The DEIR should demonstrate that the Preferred Alternative has been designed and sited to limit environmental impacts. The DEIR should discuss the relationship of proposed environmental impacts to the required safety guidelines necessary for the proposed use.

The DEIR should analyze the following alternatives:

- a No-Build Alternative;
- the Preferred Alternative; and
- a Reduced Impact Alternative.

The Reduced Impact Alternative should evaluate the feasibility of further reducing land impacts associated with site construction and grading, as well as impervious surfaces. The DEIR should identify the impacts for each of the alternatives on land alteration (including impervious area), drainage, water supply, and wetlands in a tabular format. Calculations should include impact associated with off-site mitigation measures, if any. This table, along with a supporting narrative and conceptual site plans, should provide a comparative analysis that clearly shows the differences between the environmental impacts associated with each of the alternatives.

The DEIR should identify and explain any project phasing, including a discussion of the creation of public access mitigation measures in relation to the project construction timeline. It should discuss how this project is compatible with Executive Order 385 – Planning for Growth, by discussing its consistency with local land use plans and applicable regional plans. If local or regional plans do not exist, the DEIR should state as such.

Land

The project will result in the alteration of approximately 65 acres of land and create 20 acres of impervious area. As noted previously, the project site is characterized by steep grade changes, and will require extensive earthwork to prepare the site for track construction and

parking areas. The DEIR should provide a conceptual cut and fill analysis and demonstrate that under the Preferred Alternative, that impacts to land have been avoided, minimized, or mitigated. The DEIR should estimate the anticipated amount of earth materials that may be exported from the site. Furthermore, the DEIR should detail anticipated areas of blasting, materials processing areas (if any), estimated traffic trips associated with removing earth materials from the project site, and erosion and dust control measures to be implemented during the excavation/blasting process. The proponent should demonstrate how the project will comply with any applicable MassDEP policies related to bedrock blasting. The DEIR should discuss the number, location and height of retaining walls, as well as provide a general characterization of slopes adjacent to the access road and track.

I strongly encourage the proponent to investigate ways to modify the Preferred Alternative to reduce the amount of impervious areas that will be introduced to this predominately vegetated site. Conversion of vegetated surfaces to impervious pavement will alter the existing stormwater patterns. The DEIR should discuss the impacts associated with removal of widespread areas of vegetation on stormwater patterns, groundwater recharge, and wetlands systems. As discussed later in this Certificate, the robust use of erosion and sedimentation controls are critical to avoiding, minimizing and mitigating the potential environmental impacts associated with the project. The DEIR must contain a comprehensive erosion and sedimentation control plan for consideration by review agencies.

Water / Wastewater

The project will require the development of a public water supply well capable of meeting the anticipated water demands (20,000 gallons per day (gpd)) for the project. The project will also include a Title 5 septic system capable of treating 16,000 gpd of wastewater on-site. The DEIR should provide a conceptual location for the water supply well, including delineation of a proposed Zone I and Interim Wellhead Protection Area (IWPA), to confirm the ability to comply with MassDEP water supply regulations. If available, supporting data to verify the ability to construct a viable well should be included in the DEIR. Additionally, the DEIR should depict the location of proposed hazardous materials storage, fueling and waste storage areas in comparison to water supply sources. I encourage the proponent to prepare a draft emergency response/spill plan as part of the DEIR.

MassDEP has indicated that the project will require a Groundwater Discharge Permit for the discharge of greater than 10,000 gpd of wastewater on-site. The DEIR should provide additional detail on Title 5 estimated wastewater generation volumes based on the anticipated project use. Data from similar facilities may be helpful in confirming the proposed volume estimates based on "campground" uses under the Title 5 regulations. The DEIR should discuss the provision of public restrooms, wastewater from concession stands or other on-site structures, trailer pump out stations (if applicable) that may add to anticipated wastewater flows and treatment requirements. .

Wetlands

The project site is characterized by extensive wetland systems, including isolated wetlands resulting from logging activities and natural isolated and bordering vegetated wetlands (BVWs). MassDEP has noted that numerous wetland resource areas are located on site including: BVW, Bank, Riverfront Area, and Land Under Water Bodies and Waterways.

The DEIR should provide plans of appropriate scale to accurately discern the location of each wetland area regulated under the Wetlands Protection Act (WPA) located on the project site. Each wetland resource area (including vernal pools, if any) and Riverfront Area should be characterized according to 310 CMR 10.00. The DEIR should provide additional detail regarding the nature of the various wetlands, as it has been noted that some wetlands have been created as a result of historic logging operations in lieu of a more natural process. Plans should clarify, if necessary, which on-site wetland resource areas are regulated by the State regulations, versus only local regulations under the Palmer Wetland Bylaw. The DEIR should address the significance of the wetland resources on site, including public and private water supply; riverfront areas; flood control; storm damage prevention; fisheries; shellfish; and wildlife habitat. The text should explain whether the local conservation commission has accepted the resource area boundaries, and any disputed boundary should be identified. Furthermore, the DEIR should discuss the influence of local wetland bylaw requirements on project design. The DEIR should provide an accurate measurement of each wetland resource area that will be affected by the project.

The DEIR should demonstrate that all wetland impacts have been avoided, and where unavoidable impacts occur, impacts are minimized and mitigated. The DEIR should demonstrate that the project will be accomplished in a manner that is consistent with the Performance Standards of the Wetlands Regulations (310 CMR 10.00). Consistency of the proposed stream crossing with the MassDEP Stream Crossing Standards should be discussed in the DEIR.

Proposed activities, including construction mitigation, erosion and sedimentation control, phased construction, and drainage discharges or overland flow into wetland areas, should be evaluated. The DEIR should specifically address the impact, if any, to the placement of stormwater outfalls within resource areas. The DEIR should clarify what portions of the project may result in the permanent alteration of wetland resource areas versus temporary impacts to facilitate construction. The DEIR must also address the current and expected post-construction water quality of the predicted final receiving water bodies and demonstrate compliance with applicable water quality regulations or guidelines.

Stormwater

The DEIR should include drainage calculations, stormwater system design plans at a readable scale, best management practice (BMP) designs and models for proprietary BMPs, and a clear description of the stormwater management plan to affirm that the stormwater system design is in conformance with the MassDEP Stormwater Management Policy (SMP). It should

include a description of the proposed drainage system design, including a discussion of the alternatives considered along with their impacts. The DEIR should discuss the feasibility of maximizing stormwater infiltration and identify the quantity and quality of flows.

The DEIR should demonstrate that source controls, pollution prevention measures, erosion and sedimentation controls during construction, and the post-development drainage system for the project are designed in compliance with the SMP and standards for water quality and quantity impacts. The DEIR should specifically address the potential impact of proposed uses (i.e. hazardous materials storage, refueling, vehicle accidents) on stormwater discharges and the stormwater management system operations as a whole.

The DEIR should present an operation and maintenance plan for the drainage system to ensure its effectiveness. This plan should be consistent with the Stormwater Pollution Prevention Plan required under the NPDES Construction General Permit and should outline the actual maintenance operations, sweeping schedule, responsible parties, and back-up systems.

Low Impact Development

The DEIR should consider project and design alternatives to reduce imperviousness and earth removal/grading to the extent practicable. The DEIR should discuss opportunities to incorporate low impact development (LID) stormwater runoff controls into the project. If LID techniques are not feasible given the type of proposed use or site characteristics, the DEIR should demonstrate why such techniques will not be applied on-site.

Traffic

It is unclear from the information provided in the ENF whether the project will exceed MEPA traffic thresholds. The DEIR should include data verifying the estimated number of traffic trips and parking spaces associated with the Preferred Alternative. I recognize that the Institute of Transportation Engineers (ITE) does not have an established traffic estimate for a motorsports complex as presented in the ENF. The DEIR should therefore use a combination of numbers estimated by using similar uses as noted in the ITE manual, as well as traffic trip estimates from similar facilities in the New England region. The DEIR should discuss data sources, analysis methodology, and anticipated site use patterns to assist in the verification of potential traffic impacts.

Furthermore, I remind the proponent, that since a State permit is not required for traffic impacts, they should work closely with local officials in Palmer and Ware during local permitting processes to determine if traffic mitigation is necessary. Particular consideration should be given to those instances (estimated at several times a year) where a large number of users may participate in events at the project site.

Sustainable Design

To the maximum feasible extent, 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; and
- Water conservation and reuse of wastewater and stormwater.

The DEIR should include a narrative describing policies regarding waste reduction, water use, and other sustainable design initiatives that may be implemented on site.

Construction Period

The DEIR should discuss potential construction period impacts (including but not limited to noise, vibration, dust, and traffic flow disruptions) and analyze and outline feasible measures that can be implemented to eliminate or minimize these impacts. The project site is characterized by steep terrain. Therefore, the DEIR must include a detailed erosion and sedimentation control plan, consistent with NPDES CGP requirements, to demonstrate that efforts will be made during the construction process to avoid, minimize or mitigate potentially detrimental stormwater runoff impacts associated with site preparation (i.e. clearing, grading) and construction.

I encourage the proponent to consider participating in MassDEP's Diesel 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 (PM_{2.5}) during construction. A commitment to participate in the Diesel Retrofit Program may be outlined within the DEIR. The DEIR should also identify traffic routes to be used during construction of the project and provide recommendations on restrictions for construction-related traffic to ensure that nearby neighborhoods are not adversely affected.

Mitigation

At the MEPA scoping session the proponent discussed several possible mitigation measures proposed in conjunction with the project. These measures included hiking trails, parking areas for trail users, and conservation and deed restrictions. The DEIR should include a separate chapter summarizing proposed mitigation measures. This chapter should also include draft Section 61 Findings for each state agency that will issue permits for the project. The draft Section 61 Findings should contain clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation.

Comments/Circulation

The DEIR should contain a copy of this Certificate and a copy of each comment letter received. The DEIR should respond fully to each substantive comment received to the extent that it is within MEPA jurisdiction. The DEIR should present additional technical analyses and/or narrative as necessary to respond to the concerns raised.

The proponent should circulate the DEIR to those parties who commented on the ENF, to any state agencies from which the proponent will seek permits or approvals, and to any parties specified in section 11.16 of the MEPA regulations. A copy of the DEIR should be made available for review at the Palmer Public Library.

September 21, 2007

Date



Ian A. Bowles

Comments received:

- 09/10/2007 Pioneer Valley Planning Commission
- 09/11/2007 Massachusetts Department of Environmental Protection - WERO

IAB/HSJ/hsj