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September 23, 2002

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DRAFT RECORD OF DECISION

PROJECT NAME : Attleboro Business/Industrial Park
 PROJECT MUNICIPALITY : Attleboro
 PROJECT WATERSHED : Ten Mile
 EOE NUMBER : 12020
 PROJECT PROPONENT : Attleboro Redevelopment Authority
 DATE NOTICED IN MONITOR : August 24, 2002

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (G.L.c.30, ss. 61-62H) and Section 11.11 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change and propose to grant a Phase I Waiver (as defined below), allowing the first phase of the project to proceed to the state permitting agencies prior to completion of the Environmental Impact Report (EIR) for the entire project.

Project Description

The project, as described in the Environmental Notification Form (ENF), involves construction of 805,000 square feet (sf) of industrial and business space on a 189-acre parcel. The site is located adjacent to the Interstate 95/Route 123 Interchange in the City of Attleboro. The Attleboro Redevelopment Authority is developing the complex, pursuant to a comprehensive Urban Renewal Plan, which was prepared in coordination with a Citizen's Advisory Committee.

At full-build, the park may contain 25 to 30 lots, each measuring one to six acres. The site will be accessed via an approximately 8,500 linear foot (lf) roadway to be constructed between Route 123/South Avenue and County Street. The Full-Build project includes installation of 1,700 new parking spaces, and it is expected to generate approximately 7,900 new vehicle trips per day on an average weekday. According to the Notice of Project Change (NPC), Phase 1 of the project will involve construction of 190,000 sf of space within three buildings (approximately 17.3 acres), and 380 parking spaces in the southeast portion of the site.



Categorical Inclusion and Jurisdiction

The project is undergoing environmental review and requires the preparation of a mandatory EIR pursuant to Section 11.03 (1)(a)(2) of the MEPA regulations, because it will create more than 10 acres of new impervious area; and 11.03 (6)(a)(6) and (7), since the project will generate more than 3000 new vehicle trips per day, and involves construction of more than 1,000 new parking spaces at a single location. The project will require an Access Permit from the Massachusetts Highway Department (MHD) for work within the state highway layout to modify the Interstate 95 access ramps. The proponent is seeking a Sewer Connection/Extension Permit and 401 Water Quality Certification from the Department of Environmental Protection (DEP). The project also requires an Order of Conditions from the Attleboro Conservation Commission. The project may receive funding through a Public Works Economic Development Grant, a Community Development Action Grant, and an Urban Renewal Development Grant.

Because the proponent is seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to all aspects of the project that have the potential to cause significant Damage to the Environment, and is not limited to the subject matter of the required permits. The Scope issued with the Certificate on the ENF identified traffic/transportation, air quality, wetlands, stormwater, and water supply/wastewater impacts as issues which the proponent must address in Draft and Final EIR.

Waiver Request

On August 20, 2002, the proponent submitted a NPC requesting that I grant a waiver to allow Phase I of the project to proceed in advance of completion of the EIR. Phase I of the project involves construction of 190,000 sf of space and 380 parking spaces. It is expected to generate approximately 2,790 new vehicle trips per day on an average weekday. All other aspects of the project remain the same as described in the ENF.

Criteria for a Phase I Waiver

Section 11.11 of the MEPA Regulations provides that the Secretary may waive any provision or requirement of 301 CMR 11.00 not specifically required by MEPA, and may impose appropriate and relevant conditions or restrictions, provided that the Secretary finds that strict compliance with the provision or requirement would: a) result in undue hardship to the proponent, unless based on delay in compliance by the proponent; and b) not serve to minimize or avoid damage to the environment.

In the case of a partial waiver of a mandatory EIR review threshold that would allow the proponent to proceed to Phase I of the project prior to preparing an EIR, this finding shall

be based on one or more of the following circumstances: 1) the potential environmental impacts of Phase I are insignificant; 2) ample and unconstrained infrastructure and services exist to support Phase I; 3) the project is severable, such that Phase I does not require the implementation of any other future phases; and 4) the agency action on Phase I will contain conditions that ensure due compliance with MEPA.

Findings

Based upon the information submitted by the proponent and after consultation with the relevant state agencies, I find that:

1. The potential impacts of the project (wetlands, archaeological) for Phase I are insignificant. According to the NPC, construction of Phase 1 buildings and sewer infrastructure will have limited land alteration impacts, with no impacts to bordering vegetated wetland (BVW). The proponent will address the impacts of the full-build project on the extensive onsite wetlands network in the EIR.

The proponent conducted an intensive archaeological survey of the site that identified two areas containing Native American artifacts, located in the central and southeastern portion of the site. The Massachusetts Historical Commission (MHC) has reviewed the survey and determined that Phase 1 construction in the southeast portion of the site will not impact significant archaeological resources located in the central area, if the proponent confines the limits of work. The proponent, however, must consult with MHC regarding the impacts of the full-build project on the potentially significant archaeological site in the center of the parcel.

2. Ample and unconstrained infrastructure exists to support Phase 1. Based on ITE data, traffic volumes along Route 123 will be increased by 2,790 new vehicle trips per day (vtd) as result of Phase 1 construction (and by 7,900 vtd at full-build). To mitigate Phase 1 impacts, the proponent has recommended signalization of the Route 123 (Thacher Street)/County Street intersection, and has committed to working with the City of Attleboro on other roadway improvements in the vicinity. Traffic along Tiffany Street will also increase as a result of the full-build project, and will include a significant volume of new truck traffic where it is currently prohibited. The proponent should re-evaluate the impacts of this proposal on residential abutters, and the subsurface infrastructure, and discuss alternatives in the EIR.

The proponent has committed to working with MHD regarding the preferred alternative for site access from the highway interchange to mitigate the traffic impacts of the full-build project. An update regarding these discussions should be provided in the EIR.

Phase 1 of the project is expected to add approximately 7,600 gallons per day (gpd) of wastewater to the Attleboro Wastewater Treatment Plant, which has adequate capacity to manage the increased flow.

3. The project is severable, since Phase I activities do not require or presume any action relative to development of the remainder of the 189-acre parcel.
4. Delay in implementing Phase I would not serve to avoid or minimize Damage to the Environment. The proposed measures, such as avoiding the wetlands and archaeologically sensitive areas, and proposed traffic mitigation should effectively reduce the impacts of Phase 1.
5. Agency action on Phase I will contain conditions that ensure due compliance with MEPA. The MHD Access Permit and DEP Sewer Connection/Extension permit will condition Phase 1 work on compliance with mitigation measures.

Based on these findings, it is my judgment that the waiver request has merit and meets the tests established in Section 11.11. Therefore, I propose to grant the Phase I waiver requested for this sewer construction project, subject to the above findings. This Draft Record of Decision shall be published in the next issue of the *Environmental Monitor* for a fourteen-day comment period, after which I shall reconsider, modify, or confirm the waiver.

September 23, 2002

Date

Bob Durand

Comments Received:

8/8/02 Attleboro Redevelopment Authority
8/31/02 Robert J. Crowe
9/4/02 Edith A. Beauregard
9/4/02 Adrian E. Geoffroy
9/4/02 Larre H. Nelson
9/5/02 Richard & Claire Morrissey
9/8/02 Diane Rose
9/9/02 Douglas R. Gobin
9/9/02 Paul D. Antonellis
9/13/02 Department of Environmental Protection - Boston
9/16/02 Massachusetts Highway Department
9/16/02 Department of Environmental Protection – Southeast Region

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