



# *The Commonwealth of Massachusetts*

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January 13, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
ON THE  
EXPANDED ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME: Xtra Mart Gas Station and Convenience Store  
PROJECT MUNICIPALITY: Sutton  
PROJECT WATERSHED: Blackstone  
EOEA NUMBER: 13692  
PROJECT PROPONENT: Drake Petroleum, Inc.  
DATE NOTICED IN MONITOR: December 7, 2005

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 **requires** the preparation of an Environmental Impact Report (EIR).

### Project Description

As described in the Expanded Environmental Notification Form (EENF), the project proposes the development of a 5,600 square foot gasoline station/convenience store on Route 146 North in Sutton. The existing site is a 7.8-acre parcel that is densely wooded and undeveloped. The site is located approximately 0.5 miles south of the Millbury/Sutton town line. The project will also include a proposed Subway restaurant and a Dunkin Donuts restaurant with drive-thru access. Environmental impacts associated with the project result from the construction of a public water supply well on the site; the generation of 4,036 new daily vehicle trips; and the removal of 19 living public shade trees of 14 or more inches in diameter.

### Jurisdiction and Project Review

The project is undergoing environmental review and requires the preparation of an Environmental Impact Report pursuant to Section 11.03(6)(a)(6) of the MEPA regulations because it requires state permits and because the project will generate more than 3,000 new average daily trips on roadways providing access to a single location. The project requires an Access Permit from the Massachusetts Highway Department (MHD) and two permits related to Water Supply from the Department of Environmental Protection (DEP). The project will also require an Order of Conditions (OOC) from the Sutton Conservation Commission under the MA Wetlands Protection Act and a number of local approvals from the Sutton Planning and Zoning Commission and the Sutton Zoning Board of Appeals.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction is limited to those aspects of the project that may cause significant Damage to the Environment and that are within the subject matter of required state permits. In this case, jurisdiction extends to transportation and water supply.

### Request for a Single EIR

In accordance with Section 11.05(7) of the MEPA regulations, the proponent has submitted an Expanded ENF (EENF) with a request that I allow the proponent to fulfill its EIR obligations under MEPA with a Single EIR, rather than the usual process of a Draft and Final EIR. The EENF received an extended comment period pursuant to Section 11.06(8) of the MEPA regulations. Based on a review of the EENF, I hereby find that the document meets the regulatory requirements and I am permitting the proponent to file a Single EIR in fulfillment of Section 11.03 of the MEPA regulations.

## **SCOPE**

### General

The Single EIR should follow Section 11.07 of the MEPA regulations for outline and content, as modified by this Scope. The Single EIR should include a copy of this Certificate and the attached comments. The Single EIR should include a thorough description of the project, including a detailed description of construction methods and phasing. The Single EIR should include a brief description of each state permit or agency action required or potentially required, and should demonstrate that the project will meet applicable performance standards. In accordance with Executive Order No. 385, "Planning for Growth" and Section 11.03 (3)(a) of the MEPA regulations, the DEIR should discuss the consistency of the project with the local and regional growth management and open space plans. The proponent should also provide an update on the local permitting process for the project.

### Alternatives

The Single EIR requires a comprehensive alternatives analysis in order to ascertain which site layout minimizes overall impacts to land, open space, wetlands and traffic. The alternatives

analysis should clearly demonstrate consistency with the objectives of MEPA review, one of which is to document the means by which the proponent plans to avoid, minimize or mitigate Damage to the Environment to the maximum extent feasible. In addition to the No-Build and the Preferred Alternative, the Single EIR should include a description of the alternative site designs that were considered during project planning that could minimize the impacts of the project on traffic and environmental resources. The Single EIR should fully explain any trade-offs inherent in the alternatives analysis, such as increased impacts on some resources to avoid impacts to other resources.

### Traffic

Based on Institute of Traffic Engineers (ITE) Land Use Codes 853 and 934, the proposed project is anticipated to generate 4,036 new daily vehicle trips to the project site. Access off of Route 146 will be via two one-way driveways in and out of the site. A MHD Access Permit is required for access to Route 146. In the proximity of the project, Route 146 is a four lane divided highway with two lanes running northbound and two lanes running southbound with a center median barrier.

MHD has stated in its comments on the EENF that the land use associated with the project and the location of the project on Route 146 typically results in trip generation mainly of a pass-by nature, and therefore the project is not likely to significantly impact the state highway system. The Single EIR should include a limited Traffic Impact Study that clearly explains the pass-by nature of the trips associated with the project. The proponent should refer to MHD's comments for specific guidance on the study.

The proponent has consulted with MHD District 3 on the design of the entrance and exit to the proposed site. The following mitigation is proposed at the site. A deceleration and acceleration lane will be added to Route 146 NB to access the site. The acceleration lane coming from Colonial Drive will be modified to define a striped end of the acceleration lane just prior to the start of the deceleration lane into the site. The acceleration lane out of the site will extend an ample length to provide for acceleration and traffic sightline. Box widening along Route 146 will be provided in accordance with MHD regulations. The proponent should continue to work closely with the District 3 office to ensure that the proposed improvements are designed in accordance with MHD standards.

The Single EIR should include a commitment to implement the above referenced traffic mitigation measures and should describe the timing and cost of their implementation based on project phasing.

### Water Supply

The Single EIR should provide more information on the public water supply well that is proposed at the site and the project's anticipated withdrawal needs. The proponent has submitted permit applications to the DEP for a Site Source and Pump Test (BRP WS 13) and a Pump Test Report (BRP WS 15). The proponent should discuss any consultations with DEP to date with regard to the proposed well.

Mitigation

The Single EIR should contain a separate chapter on mitigation measures. The chapter on mitigation should include a Draft Section 61 Finding for all state permits and a draft Letter of Commitment for use by MHD. The Draft Section 61 Finding and Letter of Commitment should contain a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation, the identification of the parties responsible for implementation of the mitigation, and a schedule for the implementation of the mitigation.

Comments

The Single EIR should respond to the comments received to the extent that comments are within the subject matter of this scope. Each comment letter should be reprinted in the EIR.

Circulation

The Single EIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should be sent to commenters as listed below and to Town of Sutton officials. A copy of the Single EIR should be made available for review at the Sutton Public Library.

January 13, 2006  
Date

  
Stephen R. Pritchard

## Comments received:

1/6/2005      Department of Environmental Protection, Central Regional Office  
1/11/2005     Executive Office of Transportation

SRP/BA/ba