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January 30, 2008

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS  
ON THE  
SUPPLEMENTAL FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Lowe's of Hadley  
PROJECT MUNICIPALITY : Hadley  
PROJECT WATERSHED : Connecticut River  
EOEA NUMBER : 13539  
PROJECT PROPONENT : Paradigm Development  
DATE NOTICED IN MONITOR : **December 24, 2007**

As Secretary of Environmental Affairs, I hereby determine that the Supplemental Final Environmental Impact Report (SFEIR) **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). While I find the SFEIR to be adequate, I note that additional information related to wetland issues is required prior to permitting as further detailed below.

Project Description

As described in the SFEIR, the project involves development of approximately 169,166 square foot(sf) home improvement warehouse (an increase from the 138,431 sf proposed in the Environmental Notification Form (ENF)) and a 6,000 square foot out parcel, which could consist of either a bank or restaurant. The project will include the construction of 907 parking spaces of which 223 will be in held in reserve to be constructed at a later date if deemed necessary. This is an increase from the originally proposed 898 parking spaces of which 177 were to be held in reserve. The site is located on the north side of Route 9 (Russell Street), west of Bison Farm and east of a miniature golf facility and residential homes in the eastern portion of Hadley.

Based on ITE Land Use Code (LUC) 862 and LUC 932 (High Turnover Restaurant), the project is expected to generate an additional 5,400 new vehicle trips on an average weekday and an additional 8,676 new vehicle trips on an average Saturday. The project site was formerly part of an adjacent Bison Farm (Home Farm), which abuts the property west and north. A miniature golf/driving range facility and residential homes border it to the east. It has an open grassy meadow and perimeter wetland areas. Wetland replication is proposed to mitigate loss of wetland areas as required for widening improvements to Route 9 as well as the improvement of an existing access road and wetland crossing on the adjacent property.

Increased storm water runoff rates and volumes will be controlled through the proposed storm water management facilities, including subsurface detention, and will approximate the pre-construction rates. Construction term sediment and erosion control measures will be implemented in accordance with a Storm Water Pollution Prevention Plan to manage stormwater runoff and minimize erosion during construction.

#### MEPA Jurisdiction and Permitting Requirements

This project is subject to a mandatory EIR pursuant to Sections 11.03(1)(a)(2), and (6)(a)(6) and of the MEPA regulations. It creates 10 or more acres of impervious area and generates 3,000 or more new vehicle trips. A Massachusetts Highway Department (MHD) access permit will be required for access to Route 9. The project will require a Section 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP). It must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over five acres. The project may also need a Section 404 Programmatic General Permit (Category II) from the U.S. Army Corps of Engineers. As noted in the SFEIR, the original Order of Conditions issued by the Hadley Conservation Commission was appealed. Therefore the project will require a Superseding Order of Conditions from MassDEP.

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 alteration, traffic/air quality, wetlands, and stormwater.

#### Supplemental FEIR Review

##### Wetlands/Drainage

The major shortcoming of the Final EIR concerned issues primarily related to wetland issues. MassDEP has verified in their comment letter on the SFEIR that the resource area boundaries previously approved under a Determination of Applicability have expired. As noted in the SFEIR, the original Order of Conditions issued by the local Conservation Commission was

appealed. MassDEP is currently addressing that appeal. MassDEP has requested additional information from the proponent. Only after receiving and reviewing the requested information will MassDEP approve resource area boundaries on all parcels relating to the project through issuance of a Superseding Order of Conditions.

The Hadley Conservation Commission have raised concerns related to the wetlands on the Home Farm just west of the project site owned by the same owner as the project site. The western end of the Home Farm parcel have never been formally delineated although I requested in the Draft EIR that, "The wetlands west of the Lowe's lot line should be delineated in the Final EIR." The proponent should formally delineate this area prior to the issuance of a Superseding Order of Conditions by MassDEP. MassDEP has stated in their comment letter that MassDEP agrees with the statement found in Section 1.3(d) of the SFEIR that the current owners of the property identified in the referenced Administrative Consent Order (ACO) are currently complying with requirements stipulated in the ACO.

The Route 9 road improvement is an integral part of this project. MassDEP has communicated to the proponent that additional information is required regarding stormwater management. Based on the information and site plans submitted, it appears there may be impacts associated with the work that are not described. Therefore, the proponent must clarify compliance with the Stormwater Management Standards for that portion of the work prior to issuance of any state permits.

In regards to mitigation proposed by the proponent, MassDEP agrees with items (2 through 9 listed below) of the Section 61 Findings. However, Item (1) listed below, as noted previously, will require additional information that must be submitted regarding compliance with the Stormwater Management Standard for the Route 9 road improvements.

1. Design Stormwater Management System – Design the stormwater management system in accordance with MA DEP Stormwater Management Policy standards. Submit design for review.
2. Minimize Resource Area Disturbance – Perform alternatives analysis to minimize disturbance to resource areas. Submit for review.
3. Design Resource Area Replication – Design replication of bordering vegetated wetland and bank in accordance with performance standards of 310 CMR 55.
4. File Notice of Intent – File a Notice of Intent under the National Pollution Discharge Elimination System (NPDES) General Permit and prepare a Stormwater Pollution Prevention Plan (SWPPP).
5. Implement Stormwater Pollution Prevention Plan (SWPPP) – Implement the SWPPP during construction.

6. Construct Stormwater Management System – Construct stormwater management system in accordance with approved plans and specifications.
7. Construct Resource Area Replication – Construct replication area for both BVW and Bank in accordance with the approved plans and specifications and 310 CMR 55.
8. Implement Operation and Maintenance Plan – Implement Operation and Maintenance Plan in accordance with approved O&M Plan both during construction and on-going following completion of construction.
9. Monitor Replication Area – Monitor replication area for two growing seasons. Supplementary seeding will be performed as needed, and dead shrubs shall be replaced. If after two growing seasons, the replication and restoration areas have not achieved 75% cover with native wetland species, a plan for achieving compliance with this goal (including additional monitoring will be provided).

### Traffic

The proposed development is expected to generate approximately 5,400 new vehicle trips (2,700 entering and 2,700 exiting) on an average weekday and approximately 8,676 new trips (4,338 entering and 4,338 exiting) on a typical Saturday. The SFEIR included a traffic study that generally conforms to the EOEEA/EOT Guidelines for EIR/EIS Traffic Impact Assessments. The project proponent has committed to geometric and traffic signal improvements to address highway capacity and safety concerns along the Route 9 corridor in the vicinity of the project as well as a number of Transportation Demand Management (TDM) measures aimed at reducing single occupancy vehicle travel to the site. MHD has stated that the SFEIR has adequately addressed most of the traffic impacts associated with the Lowe's of Hadley project.

The proponent has committed to provide the necessary 100% plans, specifications and estimate (PS&E) per MHD project guidelines for future implementation of a four lane cross section along the Route 9 segment between the proposed Lowe's driveway and the Home Depot driveway, which was recommended by the MHD Connecticut River Crossing Study. The proponent should also commit to donating any land under its control that will be necessary for the widening of Route 9. The SFEIR included a Draft Section 61 Finding. The proponent should submit to MEPA and MHD a revised letter of commitment that clearly indicates the proponent's commitment to provide the stated additional mitigation of donating any land under its control that will be necessary for the widening of Route 9.

The proponent has committed to undertake the following mitigation measures related to traffic:

#### Lowe's Site Driveway at Route 9

- A new signalized intersection will be created at the site driveway access to Route 9, including signalization of the existing Hadley Garden Center driveway. Route 9 will be widened to a five lane cross section beginning approximately 400 feet west and 250 feet east of the site driveway to provide adequate through traffic capacity.

#### Route 9 at Middle Street

- The proponent is committed to signal timing improvements at this location.

#### Route 9 at East Street

- The proponent is committed to signal timing and/or phasing changes and geometric improvements within the existing Town and State highway layout at this location. The East Street northbound approach will be widened to accommodate a 10-foot wide exclusive right turn lane with 100 feet of queue storage.

#### Route 9 at Mountain Farms Mall driveway and Hadley Crossing driveway

- The proponent is committed to signal timing and/or phasing improvements at this location. Additionally, subject to the granting of rights of entry by the Mountain Farms Mall, the Mountain Farms Mall northbound approach will be widened by the proponent to accommodate an 11-foot wide exclusive right turn lane with 84 feet of queue storage.

#### Route 9 at North Maple Street and South Maple Street

- The proponent is committed to signal timing and/or phasing improvements and geometric improvements, subject to the donation of property by the Hampshire Mall to the Town of Hadley for expansion of the Town layout of South Maple Street and accommodation of these proposed widening improvements in the design of improvements at this same location by the Hadley Crossing (Home Depot) project. The South Maple Street northbound approach will be widened to accommodate an 11-foot wide exclusive right turn lane with 186 feet of queue storage.

#### Route 9 at Route 116 and Westgate Center driveway

- The proponent is committed to signal timing and/or phasing improvements and geometric improvements within the existing highway layout at this location. The Route 116 southbound approach will be widened slightly to accommodate an 12-foot wide exclusive left turn lane with 119 feet of queue storage.

#### Route 9 at University Drive and Snell Street

- The proponent is committed to signal timing improvements at this location.

#### Additional Route 9 Widening Design

- The proponent has agreed to prepare and submit to MHD 100% plans, specifications, and estimates (PS&E) for widening of a segment Route 9 to a four lane cross section from the

site frontage easterly to the westerly extent of the Home Depot widening at approximate station 186+30. The proponent has agreed to submit this information to the MHD District 2 Office within 2 years from the issuance of the Lowe's Building Permit.

Trip Generation Reduction Measures

- Designation of an on-site transportation coordinator to promote and provide information on transit service, car pooling, ride matching, and preferential parking.
- Provision of facilities to promote higher occupancy or non-vehicular modes such as preferential parking areas for carpoolers, bicycle racks, and an information center for transportation alternatives.
- Promotion and advertising to inform employees and customers of the availability of alternative modes such as transit and bicycle use and encourage non-vehicular access to the project.

Transit Service Enhancement

The Pioneer Valley Transit Authority (PVTA) is invited to provide bus service to the site. The proponent will coordinate with the PVTA, and upon establishment of the transit service to the site, the proponent will provide a bus shelter and sidewalks in accordance with the standards established by the PVTA.

The proponent will contribute to the PVTA 25% of the cost, up to a maximum of \$50,000, to upgrade signal equipment at the following Route 9 intersections in Hadley and Amherst at 10 designated stops.

Traffic Monitoring Program

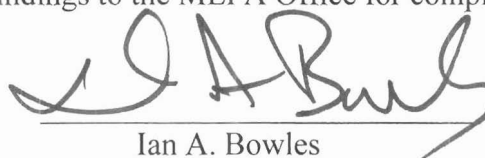
- The proponent will monitor the traffic entering and exiting the site driveway at six months, one year, two years and three years after the initial site occupancy. . The proponent will submit the results of these studies to the MHD District 2 office and Boston office. The monitoring program will include 24-hour Automatic Traffic Recorder counts over a 7-day period.

Conclusion

I am satisfied that the proponent, through its various submissions under MEPA, has adequately assessed the potential impacts of the project and committed to measures that will avoid, minimize and mitigate adverse impacts. I am also satisfied that any remaining issues can be addressed through the state and local permitting processes. The proposed project requires no further review under MEPA and may proceed to permitting. The permitting agencies should forward a copy of their final Section 61 Findings to the MEPA Office for completion of the project file.

January 30, 2008

Date



Ian A. Bowles

Comments received:

01/18/08 Hadley Conservation Commission  
01/22/08 Andy Morris-Friedman  
01/23/08 Department of Environmental Protection – WERO  
01/23/08 Executive Office of Transportation/ Massachusetts Highway Department  
01/23/08 Connecticut River Watershed Council  
01/23/08 Linda Harris  
01/23/08 David Elvin  
01/23/08 Michele Morris-Friedman

IAB/ACC/acc

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