



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street, Suite 900

Boston, MA 02114-2524

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

STEPHEN R. PRITCHARD
SECRETARY

Tel. (617) 626-1000
Fax. (617) 626-1181
<http://www.mass.gov/envir>

March 10, 2006

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

PROJECT NAME : "Turnpike Crossing" Mixed Use Retail and Office Project
PROJECT MUNICIPALITY : Westborough
PROJECT WATERSHED : SuAsCo
EOEA NUMBER : 13730
PROJECT PROPONENT : The Richmond Company, Inc.
DATE NOTICED IN MONITOR : February 8, 2006

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 an Environmental Impact Report (EIR).

As described in the Environmental Notification Form (ENF), the project involves development of a 140,000 square foot (sf) retail home improvement store and a 50,000 sf office building. The project will also include construction of 689 parking spaces and generate 4,950 new vehicle trips per day. The project is located on a 47-acre parcel, which is partially occupied by the Westborough Rotary Club Golf driving Range and bounded by the Boston Worcester Turnpike (Route 9) to the south, Lynman Street/Route 30 to the northwest and Park Street to the east. The proposed project site is located within the Cedar Swamp Area of Critical Environmental Concern (ACEC). Access to the site is proposed via a new signalized driveway to Route 9 and the existing Gannon Way.

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 and involves state permitting. The project creates 10 or more acres of impervious area and generates 3,000 or more new vehicle trips. The project also meets an ENF threshold under Section 11.03(11)(b) of the MEPA regulations because it is located within an Area of Critical Environmental Concern (ACEC). A Massachusetts Highway Department (MHD) access permit will be required for access to Route 9. The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over five acres. An Order of Conditions will be required

from the Westborough Conservation Commission for work within a resource area.

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 and wetlands.

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 EIR should follow the general guidance for outline and content contained in section 11.07 of the MEPA regulations, as modified by this Certificate. The EIR should contain a copy of this Certificate and a copy of each comment received. The proponent should circulate the EIR to those parties who commented on the ENF, to any state agencies from which the proponent will seek permits or approvals, the DEP Division of Air Quality, and to any parties specified in section 11.16 of the MEPA regulations.

Project Description and Permitting

The EIR should include a description of the proposed project, including as much information as possible on lighting, grading, landscaping, and buffers between the site and adjacent uses. The EIR should also include existing and proposed grading plans. The EIR should provide a detailed project description with a summary/history of the project. The EIR should identify and describe any project phasing. It must identify all land ownership and options by the proponent adjacent to the project site.

The EIR should briefly describe each state permit required for the project, and should demonstrate that the project meets any applicable performance standards. In accordance with section 11.01 (3)(a) of the MEPA regulations, the EIR should also discuss the consistency of the project with any applicable local or regional land use plans.

Comments

The EIR should respond fully to all of the substantive comments received. The EIR should present additional technical analysis and/or narrative as necessary to respond to the concerns raised. The proponent should circulate a copy of the EIR to any party submitting written comments on the ENF. The EIR should contain a copy of this Certificate and of each comment

received.

Alternatives

The EIR should analyze the no-build alternative to establish baseline conditions. The EIR should evaluate alternative site layouts of the proponent's preferred alternative in order to arrive at a site layout that minimizes overall impacts, particularly impacts on traffic and stormwater. The analysis should clearly present the alternative driveway configurations at the site and identify the advantages and disadvantages of the Preferred Alternative. The EIR should provide a comparative analysis that clearly shows the differences between the environmental impacts associated with each of the alternatives.

The EIR should also analyze an alternative that fully conforms to local zoning, planning, and wetlands regulations. Based on the analysis presented in the Draft EIR, I reserve the right to require analysis of a reduced build alternative in the Final EIR, if the Draft EIR demonstrates that the proponent's preferred alternative is not locally permissible.

Land Alteration

The project as currently designed results in significant alterations to land. For each alternative, the EIR should quantify the amount and type of land altered, and the amount of earth work involved in meeting final grades. The EIR should investigate all feasible methods of avoiding, reducing, or minimizing impacts to land.

Traffic

The ENF included a limited traffic study. The transportation analysis presented in the EIR must include a revised traffic study prepared in conformance with the EOEA/EOTC Guidelines for EIR/EIS Traffic Impact Assessment, as modified by this scope and the comment letters from MHD and the Town of Westborough. The EIR should identify appropriate mitigation measures for areas where the project will have a significant impact on traffic operations, should include appropriate commitments to implement the mitigation, and should specify the schedule for implementing the mitigation.

The additional trip generation associated with this project will worsen traffic operations along this very congested section of Route 9. The EIR should identify appropriate mitigation measures for areas where the project will produce impacts on local and regional traffic operations, especially where delay increases at intersections. The unadjusted and adjusted trip generation rates, diverted-linked trips, and pass-by trips must be fully explained in the EIR. The limited traffic study included a credit reduction 16 percent for multi-use trips and 25 percent for pass-by trips. The trip generation was reduced by 41 percent, which MHD considers excessive for a home improvement store and office. Therefore, the EIR should include an update of the traffic

networks and the analysis for which only the pass-by credit was taken.

The ENF traffic study included an access mitigation plan that proposes the signalization of the Route 9/site driveway intersection. MHD is very concerned that the installation of additional traffic signals on Route 9 will increase delay and congestion on the corridor. The proponent should work closely with MHD and the Town of Westborough toward improving and using existing signalized intersections in the area for site access. The EIR should also include a second alternative access proposal comprised of geometric and signal improvements at the intersection of Route 9/Lyman Street and reconstructing Lyman Street between Route 9 and the Westborough Shopping Center driveway to accommodate additional traffic.

The EIR should discuss the proponent's coordination efforts with MHD and the local municipalities as they address regional and local traffic concerns within this area. It should provide the most current information on the proposed construction dates for any roadway improvements in the area.

The proponent should provide a clear commitment to implement mitigation measures and should describe the timing of their implementation based on the phases of the project, if any. The EIR should present capacity analyses and a summary of the 95th percentile vehicle queues for each intersection within the study area. In addition, the EIR should present a merge and diverge analysis for each ramp junction at the Route 9/Route 30 and Route 9/Route 135 intersections. The EIR should also take into consideration projected trip generation as well as mitigation measures of the Lowe's Home Improvement Warehouse project (EOEA #13073) and comparable developments in the general area. At a minimum, the traffic study should analyze the following state highway and local roadway locations:

- The Route 9/Route 135 on/off ramps
- The Route 9/Route 30 on/off ramps
- The Route 9/Lyman Street intersection
- The Route 9/Chauncy Circle intersection
- The Route 9/Goodman Avenue intersection
- The Route 9/Westborough Plaza Driveway intersection
- The Route 9/site driveway/Woodman Avenue intersections
- The Route 9/
Park Street intersection
- The Lyman Street/ Westborough Plaza Driveway intersection
- The Lyman Street/Route 30 intersection

The EIR should include revised conceptual plans for the proposed roadway improvements that should be of sufficient detail to verify feasibility of constructing such improvements. The conceptual plans should clearly show proposed lanes widths and offsets, layout lines and jurisdictions, and the land uses (including access drives) adjacent to areas where improvements

are proposed. Any mitigation within state highway layout must conform to MHD standards, including but not limited to, provisions for lane, median and shoulder widths, and bicycle lanes and sidewalks.

The EIR's traffic study should also include the weekday evening peak hour and the Saturday peak hour for each movement for intersections identified above. It should verify what the proposed afternoon peak hour is. The EIR should include a morning peak hour analysis to identify any impacts on morning commuter traffic along the Route 9 corridor. The Volume/Capacity ratio should also be provided for signalized intersections. The EIR should include a summary of average and 95th percentile vehicle queues for each intersection within the study area.

Traffic accident history for the three most recent years for which data are available should be reviewed and presented for the study area. In the EIR, traffic accident problem areas should be identified, and solutions should be proposed.

The EIR should include a comprehensive Transportation Demand Management (TDM) plan that investigates all feasible measures aimed at reducing site trip generation.

Air Quality

The project as currently proposed will generate 4,950 new vehicle trips per day (VTD). The EIR should therefore include an air quality mesoscale analysis that estimates the total emissions of Volatile Organic Compounds (VOC) associated with all project-related vehicle trips within a defined study area. If mesoscale VOC emissions from the preferred alternative prove greater than mesoscale VOC emissions from the no-build alternative, the EIR should evaluate all reasonable and feasible reduction/mitigation measures. (When discussing such measures, the proponent may reference the TDM section to the extent that the TDM program and mesoscale air quality mitigation overlap.)

Parking

The EIR should describe how the number of parking spaces was determined, and assess whether the full construction of 689 parking spaces will actually be required to handle parking demand generated by the project. If parking supply is greater than the amount required under local zoning, the EIR should explain why, and discuss the impacts of excess parking upon the proposed Transportation Demand Management (TDM) program, and the feasibility of an alternative with fewer spaces.

Public Transit

The EIR should identify public transit routes in the area and possible information on providing

access to these stops from the project site. The proponent should also evaluate in cooperation with business owners along the corridor, a transit/shuttle system that will provide more direct access to the businesses while reducing vehicle trips. The proponent should provide a clear commitment to implement the TDM measures deemed feasible to sustain and increase mode usage.

Pedestrian and Bicycle Facilities

The proponent should work with the Town of Westborough to ensure continuity of the sidewalk system, and devise a plan to ensure future maintenance. The EIR should show where sidewalks currently exist in a map of the area and where the proponent proposes sidewalks. The proponent should discuss the feasibility of providing a sidewalk along Route 9 and along development driveways. The EIR should identify how these sidewalks would connect to other sidewalks and proposed crosswalks. It should identify the proposed bicycle facility improvements included with this project. The EIR should investigate all bicycle path connections and opportunities in the project area and determine where there are any linkage possibilities with the project. Bicycle parking/storage areas should be identified on a plan.

Rare Species

The proposed project is in an area of known rare species habitat. The subject property appears to contain suitable habitat for the Blue-spotted Salamander (*Ambystoma laterale*) and the Spotted Turtle (*Clemmys guttata*). The EIR should include an inventory to determine which areas of the project area may constitute suitable habitat for rare species known to occur in the project area. The EIR should present the results on an appropriately scaled map, with clear identifications of the designated habitat. The EIR should also include a survey of areas of suitable habitat to determine which rare species are actually present. The EIR should evaluate potential impacts to rare species (including indirect impacts from runoff into priority and estimated habitat), and should include sufficient information on rare species for the Natural Heritage and Endangered Species Program (NHESP) to determine if the project will require a Conservation Permit pursuant to the Massachusetts Endangered Species Act.

Wetlands

The Commonwealth has endorsed a "No Net Loss Policy" that requires that all feasible means to avoid and reduce the extent of wetland alteration be considered and implemented. The Wetland Section of the EIR should conform to this approach by first examining options that avoid impacts to wetland resource areas, their associated buffer zones, riverfront protection areas and 100-year flood plain areas. Where it has been demonstrated that impacts are unavoidable, the EIR should illustrate that the impacts have been minimized, and that the project will be accomplished in a manner that is consistent with the Performance Standards of the Wetlands Regulations (310 CMR 10.00).

In addition, the wetlands and waterbodies of the Cedar Swamp ACEC are classified as Outstanding Resource Waters (ORW). The ENF indicates permanent impacts to 1,985 square feet of Bordering Vegetated Wetlands (BVW). Alteration of a BVW within an ACEC may only be permitted if the project is authorized as a limited project under the Wetlands Protection Act. The EIR must include maps containing clarified ACEC boundaries. The EIR must explain how the project complies with the higher performance standards for ACECs and ORWs in the Wetlands Protection Regulations. If any wetland alteration is permissible under the regulations, full mitigation plans, including restoration of wetlands and ongoing monitoring of wetlands, should be included in the EIR.

The EIR should identify the wetland resource areas (including any banks, intermittent streams, perennial streams, land under the water, bordering land subject to flooding, and isolated land subject to flooding) and buffer zones present on the site and immediately adjacent to the site on a reasonably scaled plan. The EIR should identify the significance of all the wetland resources present, including value to public and private water supply, flood control, storm damage prevention, prevention of pollution, riverfront area, and fisheries and wildlife habitat. The EIR should analyze both direct and indirect (i.e. changes in drainage patterns) impacts on wetlands resulting from the project. The EIR should evaluate any wetlands impacts associated with project-specific off-site traffic mitigation. The EIR should demonstrate that the proponent has minimized impacts (to both on-site and adjacent off-site wetlands) to the maximum feasible extent. The EIR should explain any local wetland requirements, and how compliance with these requirements affects project design.

The project as currently designed will create significant new impervious surfaces. The EIR should include at least a conceptual drainage plan, and should discuss the consistency of the drainage plan with the DEP Stormwater Management guidelines. The EIR should identify any stormwater discharge points, and describe any drainage impacts associated with required off-site roadway improvements. The EIR should investigate feasible methods of reducing impervious surfaces.

Water

The EIR should identify any municipal water system improvements that will be required by the proponent in order to connect to the municipal water system. It should include a map showing what portions of the project site are within the Zone III Aquifer Protection District as defined in the Town of Westborough's Zoning Bylaws and as identified by the Department of Environmental Protection's (DEP) Aquifer Protection Regulations. The EIR should specify what best management practices the proponent will institute to insure stormwater quality within the Zone III area. The EIR should also discuss the outstanding issues related to the wells indicated on the site plan. As indicated by the Town of Westborough's comment letter these wells need to be decommissioned.

Hazardous Wastes

There is an inactive gas pipeline delineated as crossing the property. The EIR should present a summary of the results of any hazardous waste studies and remediation efforts undertaken at the site by the proponent.

Visual/Aesthetics

The EIR should discuss the aesthetics of the project, and should include a conceptual-level landscaping plan and building elevations from all sides. The EIR should also address the concerns raised in comments related to the abutting residential neighborhood. The EIR should identify any proposed lighting impacts on the nearby residential neighborhood.

Construction Period

The project has potentially significant construction impacts, including earth moving. The EIR should evaluate construction period impacts, including impacts from earth moving, impacts to vegetation, potential impacts from erosion and sedimentation, traffic impacts on adjacent roadways, and impacts to adjacent land uses.

Mitigation

The EIR should include a separate chapter on mitigation measures. It should include plans showing the configuration of each roadway intersection proposed for modification. The proponent should work with the Town of Westborough and MHD to provide additional traffic mitigation measures to reduce the impacts on estimated delays along the Route 9 corridor.

The mitigation section should include a proposed Section 61 Finding for all state permits. The proposed Section 61 Finding should contain a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation and the identification of the parties responsible for implementing the mitigation. A schedule for the implementation of mitigation should also be included.

I urge the proponent to participate in any discussions and studies that evaluate the feasibility of traffic, pedestrian and bicycle improvements within this area.

March 10, 2006

Date


Stephen R. Pritchard

Comments Received:

02/27/06 Town of Westborough, Office of the Planning Board
02/28/06 Bertucci's
02/28/06 Colangelo Massachusetts Real Estate Trust
03/01/06 Division of Fisheries and Wildlife, NHESP
03/02/06 Executive Office of Transportation/ Massachusetts Highway Department
03/03/06 Department of Conservation and Recreation, ACEC Program

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