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March 14, 2008

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

PROJECT NAME: North Adams Plaza Redevelopment
PROJECT MUNICIPALITY: North Adams
PROJECT WATERSHED: Hudson
EEA NUMBER: 14180
PROJECT PROPONENT: **North Adams Property Development, LLC**
DATE NOTICED IN MONITOR: February 6, 2008

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 involves the redevelopment of a vacant strip plaza on an approximately 13.4-acre parcel located on the west side of Route 8 across from the Robert Hardman Industrial Park in North Adams. The site has been underutilized for approximately a decade and vacant since 2006. An approximately 95,712 square foot (sf) structure that formerly housed a cinema and a mix of restaurant and retail uses remains as well as approximately 630 parking spaces. The redevelopment includes demolition of the existing structure and construction of an approximately 126,500 sf Lowe's home improvement store with an associated 28,630 sf garden center and an approximately 3,600 sf separate drive-through bank or retail facility on an out-parcel in the southeasterly corner of the site. Previously, a Home Improvement Store was proposed on a site north of the proposed site.

An EENF for that project was submitted to MEPA in July 2005 (EEA #13578). That project is no longer under consideration.

Jurisdiction

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 a National Pollutant Discharge Elimination System (NPDES) General Construction Permit from the U.S. Environmental Protection Agency (EPA); a Highway Access Permit from the Massachusetts Highway Department (MassHighway); and an Order of Conditions (OOC) from the North Adams Conservation Commission (and therefore a Superceding Order of Conditions from the Department of Environmental Protection (MassDEP) if the local Order is appealed). The project is subject to the EEA Greenhouse Gas (GHG) Emissions Policy and Protocol. The Proponent has received a Special Permit from the North Adams Planning Board and a permit from the North Adams Zoning Board of appeals to reduce parking at the site to less than what is required under local zoning.

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 or potentially required state permits. In this case, jurisdiction extends to transportation, wetlands and stormwater.

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 was subject to a 37-day review period pursuant to 301 CMR 11.05(7). The Proponent's request for a Single EIR was discussed at the MEPA site visit held for the project on February 29, 2008. 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. The Proponent should prepare the Single EIR in response to the Scope outlined below.

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 comments submitted on the EENF. The Single EIR should include a thorough description of the project, including a detailed description of construction methods and phasing and any changes to the project since the filing of the EENF. 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. The Proponent should also provide an update on the local permitting process for the project.

Alternatives

In addition to the project presented in the EENF, the Proponent evaluated alternative site plan configurations during the project planning process including the No-Build alternative and the development alternative that would be allowed as-of-right at the site. The project site has remained underutilized for approximately a decade and vacant since the summer of 1996. The No-Build alternative would leave the site in its present deteriorated condition, and would not meet the Proponent's development objectives or contribute to economic development in the City of North Adams. The preliminary alternative consists of re-occupying the existing 97,000 sf retail building. While this alternative may result in slightly less traffic impacts, it would not result in any significant improvements to existing infrastructure and would result in greater water and wastewater impacts. In addition, the Proponent states that this alternative is not supported by market conditions.

The Proponent concludes in the EENF that the preferred alternative works best to meet the needs of the project while keeping resource area impacts minimal, providing significant improvements to on-site stormwater, wastewater and water supply infrastructure, and providing mitigation for project-related traffic. The preferred alternative may be carried forward to the Single EIR, subject to further modification as outlined in this Certificate below.

Stormwater

Development associated with the proposed project will be located on previously paved and/or otherwise disturbed land. The majority of the site is covered by the existing building and parking field. The site does not contain any stormwater Best Management Practices (BMP) under existing conditions. The project will result in an increase in impervious surface of 0.44 acres +/- at the site.

The EENF included a discussion of existing and proposed drainage conditions for the project and described the main elements of the proposed stormwater management system designed to control project-related stormwater runoff. Stormwater facilities will direct rooftop runoff through an independent closed pipe system directly to a detention basin at the north end of the site. Runoff from the remaining impervious areas will be collected in a closed drainage system by catch basins with 4-foot sumps and oil/debris traps. Prior to being discharged to the detention basin at the north end of the site, stormwater will be treated by water quality units to reduce total suspended solids (TSS). The project will not increase peak discharge rates in the post-development condition. The results of soil borings conducted at the site indicate that Low

Impact Development (LID) techniques using infiltration are not possible due to poor soils and the presence of a high water table. The EENF provided a discussion of how the proposed stormwater management system would comply with MassDEP's Stormwater Management Policy (SMP). In the Single EIR, the Proponent should update this discussion to reflect compliance with the revised SMP (February 2008).

The Proponent will implement a comprehensive source control program at the site which will include regular pavement sweeping, catch basin cleaning and enclosure and maintenance of all dumpsters, compactors and loading areas. No snow will be placed in or adjacent to wetland resource areas. A long term Operation and Maintenance Plan (O & M Plan) will be implemented to ensure that BMPs are maintained to function as designed. During construction activities, a Stormwater Pollution Prevention Plan will be prepared and implemented in accordance with EPA's NPDES General Permit. The EENF contained a Sedimentation and Erosion Control Plan that outlines measures that will be implemented to minimize and mitigate construction period impacts. The Proponent should ensure that hay bales are not used for erosion control as they may contain seeds from invasive species.

Wetlands

Three potential state regulated wetland systems are located on or adjacent to the project site, referred to in the EENF as Wetlands 1, 2 and 3. Resource areas associated with these systems include Bordering Vegetated Wetland (BVW) and Bank. The North Adams Conservation Commission issued a Determination of Applicability in July of 2007 stating that Wetland 3 is not subject to protection under the Wetlands Protection Act. Wetland 3 will be filled entirely as a result of the project, and 185 sf of BVW from Wetland 2 will be altered due to the proposed access to Route 8, construction of the parking lot, detention basin and associated grading. Work is also proposed within the 100-foot buffer zone to wetland resource areas. This work will include installation of erosion controls, vegetation clearing, earthwork, installation of subsurface utilities, construction of stormwater management features, construction of roadways, construction of the wetland replacement area and landscaping.

The Proponent intends to file a Notice of Intent with the North Adams Conservation Commission for the project's impacts to resource areas. The Single EIR should outline any changes to anticipated wetlands impacts that may result from consultation with the North Adams Conservation Commission.

BVW impacts will be mitigated by the creation of a 500 +/- sf BVW replication area located between Wetland 2 and the proposed detention basin. The replication area will physically adjoin and maintain a hydraulic connection to the altered BVW and will provide equivalent wetland functions and values as the altered area. The replication area will be hand-planted with native wetland plants. A detailed wetlands replication plan should be provided in the Single EIR which, at a minimum, should include: replication location(s); elevations; typical cross sections; test pits or soil boring logs; groundwater elevations; the hydrology of areas to be altered and replicated; list of wetlands plant species of areas to be altered and the proposed wetland

replication species; planned construction sequence; and a discussion of the required performance standards and long-term monitoring.

Water and Wastewater

Water for the project will be supplied by the City of North Adams via a 10-inch municipal line on the southbound side of Route 8. The project is expected to require approximately 8,829 gallons per day (gpd) of water and to generate approximately 8,026 gpd of wastewater. Sanitary wastewater will flow from the site to an 8-inch North Adams municipal sewer main, and then to an 8-inch Town of Adams sewer main for treatment at the Town of Adams wastewater treatment plant. There is an existing intermunicipal agreement between North Adams and Adams for this arrangement. MEPA does not have subject matter jurisdiction over water and wastewater for the project; however I encourage the Proponent to address comments from BRPC on these issues.

Traffic

Access to the site will be provided via two driveways: 1) the existing signalized driveway will be retained and will serve as the primary access and egress point for the site; and 2) a secondary right-in/right-out driveway is proposed approximately 500 feet north of the existing traffic signal. The existing right-in driveway will be closed. The project is expected to generate approximately 5,550 net new daily vehicle trips (adt) on a weekday and 7,350 new adt on a Saturday. There are also expected to be an average of 5 to 7 truck trips per day over the course of the year.

The Proponent has prepared a Traffic Impact and Access Study (TIAS) in accordance with Executive Office of Energy & Environmental Affairs (EEA)/Executive Office of Transportation and Construction (EOTC) guidelines. The study was prepared in consultation with MassHighway, the Berkshire Regional Planning Commission (BRPC), the City of North Adams and the Town of Adams. The TIAS was submitted as part of the EENF.

The Proponent conducted an evaluation of flow and roadway capacity within the TIAS study area for existing, No-Build and Build conditions at signalized and unsignalized intersections to determine the impact of the project on the area roadway system. The analysis revealed that the project is not expected to result in an overall change in Level of Service (LOS) at signalized intersections. Several unsignalized intersections in the study area are expected to suffer decreased LOS under the Build condition.

The Proponent has outlined and committed to a transportation mitigation program in the EENF to address potential project-related traffic impacts and to help address existing operational and safety deficiencies. The following mitigation measures are proposed:

- The Proponent will implement access improvements at the main site drive intersection with Route 8, including replacing the existing traffic signal controller and installing new loop detectors on site drive approach;
- The Proponent will construct a new sidewalk along the south side of the site driveway and on the west side of Route 8;
- The Proponent will install a new pedestrian crossing of Route 8 on the south side of the existing signalized intersection of Route 8/Site Driveway/Hardman Industrial Park Access Drive;
- The Proponent will coordinate with the Berkshire Regional Transit Authority (BRTA) to install a sheltered bus stop for the BRTA Route #1 bus on the west side of Route 8. A bus bay will also be provided in order to improve safety. This stop will be provided in conjunction with the signalized crosswalk;
- The Proponent will restripe the intersection approaches as necessary to accommodate the improvements listed above;
- The Proponent will close the existing unsignalized right-in driveway and construct a new right-in/right-out driveway approximately 500 feet north of the main signalized driveway;
- The Proponent will widen Route 8 southbound by approximately 10 to 12 feet in order to accommodate the extension of the existing deceleration lane;
- The Proponent will work with MassHighway to implement minor adjustments to the signal timings at various intersections surrounding the project;
- The Proponent will implement a Transportation Demand Management (TDM) program to reduce peak employee traffic demand and to encourage alternative transportation modes for retail customers.

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. The Single EIR should include conceptual plans for the proposed mitigation that are of sufficient detail to verify the feasibility of constructing such improvements, including lane widths and offsets, layout lines and jurisdictions and adjacent land uses.

In response to comments from BRPC, the Single EIR should contain a discussion of potential mitigation measures at the following intersections in North Adams: Route 8A (Hodges Cross Road/Church Street) at South Church Street and Route 8 (Curran Memorial Highway) at South State Street; and the following intersections in Adams: Route 8 (Columbia Street) at Friend Street and Route 8 (Park Street) at Hoosac Street.

The Proponent states in the EENF that it will provide MassHighway, BRPC and the Town of Adams with a full signal-feasibility study for the intersection of Route 8 with Friend Street and Renfrew Street. In the Single EIR, the Proponent should clarify whether this study will be provided. The Proponent should also address comments from BRPC regarding a potential center turn lane at the intersection of Route 8/Friend Street/Renfrew Street.

Transportation Demand Management

The EENF included a commitment to provide a Transportation Demand Management (TDM) program aimed at reducing site trip generation. Proposed TDM measures include:

- The Proponent will create and promote an on-site rideshare program, including ride-matching, accommodating work shifts, incentives and preferential parking;
- The Proponent will work closely with the BRTA to provide transit service to the site;
- The Proponent will install bicycle storage racks near the front doors of the retail site to facilitate bicycle access to the site.

In the Single EIR, the Proponent should provide a clear commitment to implement and continuously fund any TDM measures. The Proponent should also provide more information about bus service for site users traveling northbound on Route 8. The Single EIR should include a discussion of potential measures to address transit pricing issues with the BRTA; currently the BRTA pricing schedule requires users to pay an extra \$1.10 each time they cross the North Adams/Adams town line.

Air Quality

The projected vehicle trips from the project triggered MassDEP's requirement that the Proponent conduct an air quality mesoscale analysis to determine if the proposed project will increase the amount of volatile organic compounds (VOCs) and nitrogen oxides (NO_x) in the project area and to assess the project's consistency with the Massachusetts State Implementation Plan (SIP). The Proponent included the results of the mesoscale air quality analysis in the EENF.

The mesoscale air quality analysis evaluated existing and future levels of VOC and NO_x emissions for the study area using the traffic volumes, delay and speed data presented in the project's TIAS. The results of the analysis reveal that 2012 Build Condition VOC and NO_x emissions are greater than the 2012 No-Build Condition VOC and NO_x emissions. Consistent with MassDEP guidelines, the Proponent will incorporate mitigation measures to reduce VOC and NO_x emissions resulting from the project. These mitigation measures include construction of roadway and traffic signal improvements and a program of TDM measures. According to the EENF, the results of the mesoscale analysis demonstrate that the project complies with the federal Clean Air Act Amendments (CAAA) and the SIP for Massachusetts.

Greenhouse Gas Policy

In addition to the mesoscale air quality analysis, the proposed project is also subject to EEA's Greenhouse Gas (GHG) Policy that requires Proponents to quantify project-related GHG emissions and propose and quantify the impact of mitigation measures to reduce GHG emissions. The Proponent submitted the results of the GHG analysis with the EENF. In the study, the Proponent calculated GHG emissions from both mobile and stationary sources. The GHG emissions analysis evaluated the change in carbon dioxide (CO₂) emissions from project-related traffic and proposed building sources for the 2007 Existing, the 2012 No-Build, the 2012 Build and the 2012 Build with Improvements Conditions. Direct and indirect CO₂ emissions from the proposed building sources were calculated using the EQUEST model.

As can be seen in the Table below, under the Build Condition, CO₂ emissions are expected to increase by 4,494.7 tons per year (tpy) from the No-Build Condition. With recommended mitigation measures, CO₂ emissions are estimated to be reduced by 86.5 tpy, a 1.92 percent reduction.

GHG Analysis	2007 Existing Condition	2012 No-Build	2012 Build	2012 Build/No-Build Difference	2012 Build with Improvements	2012 Build with Improvements/Build Difference	Percent Reduction in GHG Emissions between Build and Build with Improvements
Mobile Sources	27,783.9	29,796	33,855.5	4,059.5	33,837.7	- 17.8	0.44%
Direct/ Indirect Stationary Sources	686.8	686.8	1122	435.2	1,053.3	- 68.7	15.8%
Total	28,471.7	30,482.8	34,977.5	4,494.7	3,489.1	- 86.5	1.92%

(All data expressed in tons per year)

As mitigation for GHG emissions from mobile sources, the Proponent will modify signal phasing and timing to increase roadway capacity and reduce delays at project-area intersections. The Proponent will also implement a TDM program as described above to reduce project-generated vehicle trips. The analysis submitted with the EENF did not quantify the GHG reduction impact of proposed TDM measures. In the Single EIR, the Proponent should evaluate the impact of TDM measures following guidance in the EEA Policy.

The following mitigation measures are listed to help reduce GHG emissions from stationary sources: use highly-reflective (high-albedo) roofing materials, install high-efficiency HVAC systems, eliminate or reduce use of refrigerants in HVAC systems, and use low emitting materials. In another section of the EENF, the Proponent provided a discussion of sustainable design measures that it hopes to incorporate into project design once an architect is selected for the project. The EENF outlines a list of LEED (Leadership in Energy and Environmental Design) measures that Lowe's prototype buildings and construction program qualify for without modifications. The EENF also provides a list of sustainable design elements that are incorporated into most newly constructed Lowe's stores. The Proponent should clarify in the Single EIR what specific measures will be implemented by the Proponent at the North Adams site and should evaluate these measures as part of the updated response to the GHG policy.

The results of the EQUEST energy modeling are presented in an Appendix to the EENF. In the Single EIR, the Proponent should provide this information in an updated format. The information in the EENF is difficult to interpret; tables and graphs displaying electricity and gas consumption are not labeled and the units on graphs change without explanation. The Proponent should clearly present the results of calculations used to quantify existing conditions, the Build Condition, and the impact of proposed emissions-reduction mitigation. If the Proponent uses bar graphs, graphs should be produced in color so that the reader can understand the results. In response to the GHG Policy, the Single EIR should also present the data that were used to model energy use in the proposed building. A typical set of modeling inputs might include the following: Project size and configuration; type of heating, ventilation and cooling systems; amount of glazing; and potential types of usage and hours of operation.

The discussion in the EENF did not present a discussion of how the Proponent developed its GHG reduction mitigation alternatives. The GHG Policy states that when comparing the preferred alternative to other alternatives with greater GHG reduction, the Proponent should explain which alternatives were rejected, and the reasons for rejecting them. The Proponent should fully explain any trade-offs inherent in the evaluation of GHG reduction measures, such as increased impacts on some resources to avoid impacts to other resources.

The Proponent should commit in the Single EIR to additional GHG reduction mitigation. I understand that the nature of the project means that the majority of GHG emissions come from mobile sources, and that the project site location and proposed retail use do not lend themselves well to strategies to significantly reduce single-occupancy vehicle trips. I am satisfied with the Proponent's level of commitment to transportation-related mitigation outlined in the EENF. However, the GHG Policy requires mitigation for net project-related emissions; the Proponent should therefore evaluate non-transportation related mitigation to reduce overall GHG impacts. Effective on-site measures at large retail facilities include daylighting, and the use of solar photovoltaics on the building's roof or for parking lot lighting. The Proponent should also consider committing to purchasing power generated by renewable energy for electrical use. As a major chain retailer, the Proponent has the ability to consider additional feasible mitigation measures including off-site mitigation measures or offsets as outlined in the GHG Policy. I encourage the Proponent to consult with the MEPA office to evaluate potential off-site mitigation measures or offset strategies.

Construction Period Impacts

The Single EIR should include a discussion of construction phasing, evaluate potential impacts associated with construction activities, and propose feasible measures to avoid or eliminate these impacts. The Proponent must comply with MassDEP's Solid Waste and Air Quality Control regulations and should respond in the Single EIR to comments from MassDEP regarding demolition issues. The Proponent should implement measures to alleviate dust, noise and odor nuisance conditions which may occur during the construction activities. I encourage the proponent to work with MassDEP to implement construction-period diesel emission mitigation through its Diesel Retrofit Program, which can be reviewed online at <http://www.mass.gov/dep/air/diesel/conretro.pdf>.

Mitigation

The Single EIR should contain a separate chapter on mitigation measures. The chapter on mitigation should include a draft Section 61 Finding for use by MassHighway. The Section 61 Finding 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 include copies of all comments submitted on the EENF. In order to ensure that the issues raised by commenters are addressed, the Single EIR should include a response to comments. This directive is not intended to, and shall not be construed to, enlarge the scope of the Single EIR beyond what has been expressly identified in this Certificate.

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 City of North Adams officials. A copy of the Single EIR should be made available for review at the North Adams Public Library.

March 14, 2008

Date



Ian A. Bowles

Comments received:

3/6/2008	Berkshire Regional Planning Commission
3/7/2008	Executive Office of Transportation
3/7/2008	Department of Environmental Protection, Western Regional Office
3/11/2008	Philip Weinberg, Department of Environmental Protection

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