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March 17, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME	: Enterprise Park Master Plan
PROJECT MUNICIPALITY	: Marshfield
PROJECT WATERSHED	: South Coastal
EOEA NUMBER	: 13410
PROJECT PROPONENT	: Plain Street Development Realty, LLC
DATE NOTICED IN MONITOR	: January 25, 2006

As Secretary of Environmental Affairs, I hereby determine that the Supplemental Draft Environmental Impact Report submitted for this project **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). On October 14 2005, I issued a Certificate on the Draft Environmental Impact Report (DEIR) that required a Supplemental DEIR (SDEIR) to address traffic issues and alternatives analysis. The proponent requested that the DEIR and the SDEIR be reviewed as a Final EIR. The SDEIR adequately addressed alternative analysis as required by the Scope but did not fully resolve traffic mitigation issues. Since filing of the SDEIR, the proponent has reached agreement with the Executive Office of Transportation (EOT) and the Town of Marshfield regarding mitigation commitments. Since the substantive issues outlined in the DEIR Certificate have been resolved, I am allowing the DEIR and SDEIR to be reviewed as a Final EIR in accordance with 301 CMR 11.08(8)(b)(2).

As described in the SDEIR, the proposed project involves phased development of a 110-acre site to include construction of a roadway system connecting to the Mount Skirgo subdivision, and an approximately 894,000 square foot mixed-use development comprising commercial and light industrial uses, an office park, mixed-income housing and a sports complex. The development as proposed will involve alteration of approximately 71 acres of land (including creation of 41 acres of impervious area). Traffic impacts are estimated at 2,478 vehicle trips per day for Phase I and 6,609 vehicle trips per day for the full Phase II build-out. The total number of parking spaces proposed is 1,558. Wastewater generation is estimated at

86,725 gallons per day (38,230 gpd for Phase I) and will be managed using Title V systems for most individual lots, and an on-site wastewater treatment system with land disposal for the sports complex. Water use is estimated at 93,900 gpd for full build-out (42,000gpd for Phase I).

A Phase I Waiver was granted for the project (Final Record of Decision (FROD), March 30, 2005) allowing certain components of the project to commence prior to completion of the EIR for the entire project. The proposed Phase I includes three commercial developments and a sports complex comprising approximately 232,000 sf of buildings on a 28-acre portion of the project site. The FROD for the Phase I Waiver included conditions relating to traffic and rare species mitigation, and use of Low Impact Development (LID) techniques. Phase II construction consists of approximately 662,000 sf of building space, including 200,000 sf of residential development (100 residential condominium units), 100,000 sf of research and development space, and 362,000 sf of warehouse and office space.

The project is undergoing environmental review and requires the preparation of a mandatory EIR pursuant to Sections 11.03(1)(a)(1) and (2) of the MEPA regulations because it involves alteration of 50 acres or more of land and creation of 10 acres of more of impervious area, and Section 11.03(6)(6) and (7) because it involves generation of 3,000 or more new vehicle trips per day and 1,000 or more new parking spaces at a single location. The project is also undergoing review pursuant to Section 11.03(2)(b) because it will result in a "take" of a state-listed rare species.

The project will require a Groundwater Discharge Permit, and a Wastewater Treatment Plant Approval from the Department of Environmental Protection (DEP). The project will also require an Access Permit from MassHighway Department (MHD) for access to Route 139 (Plain Street). The project requires a Conservation and Management Permit from the Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP). The project also requires a National Pollutant Discharge Elimination System (NPDES) Construction Activities Permit from the US Environmental Protection Agency (EPA).

The proponent is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction applies to those aspects of the project within the subject matter of required state permits with the potential to cause damage to the environment. In this case, MEPA jurisdiction extends to traffic, rare species, wastewater, land and stormwater.

Alternatives

As required by the Certificate on the DEIR, the SDEIR presents an alternative Master Plan based on the Enterprise Park Design Guidelines that reduces impervious area, land alteration and other environmental impacts. This SDEIR proposes this revised Master Plan as the preferred alternative. I commend the proponent for its commitments to implementation of design measures that will reduce impervious area by 11.2 acres compared with the plan proposed in the DEIR. Project changes include the elimination of Progress Way and 144 parking spaces. The proposed Master Plan will also reduce land alteration by approximately 25 acres compared with the plan proposed in the DEIR. The amount of permanently protected open space has been increased by 2.5 acres (for a total of 4.1 acres on-site to be placed under a Conservation Restriction).

Rare Species

The NHESP has determined that the proposed project will result in a "take" of the Eastern Box Turtle as defined in the Massachusetts Endangered Species Act regulations (321 CMR 10.00). The proponent has submitted a Conservation and Management Permit application to NHESP, which proposes off-site protection of Eastern Box Turtle habitat at a ratio of 2 acres for every acre impacted by the project. The proponent has also committed to constructing and maintaining permanent turtle barriers to keep turtles out of roads and developed areas, measures to remove turtles from construction areas prior to initiation of work, and funding for Eastern Box Turtle conservation planning and education. NHESP expects to be able to issue a Conservation and Management Permit for Phase II of the project upon completion of the MEPA process. The proponent should ensure that off-site habitat protection is executed and that the habitat is protected at a 2:1 ratio before each lot is released for construction.

Transportation

The SDEIR includes a revised Transportation Impact Assessment Study in conformance with the EOEA/EOT Guidelines for EIR/EIS. The SDEIR addresses EOT/MHD concerns regarding trip generation and other aspects of the transportation analysis. The SDEIR clarifies the use of pass-by credit in the traffic analysis and indicates that the 35% pass-by credit was applied to the retail component of the adjacent Commerce Green development, and not to the proposed Enterprise Park project. According to the SDEIR, a 25% pass-by credit was applied to the Phase I Athletic Center and no pass-by credit was taken for any other component of Enterprise Park.

As further detailed in the comment letter from the Town of Marshfield Planning Board, the Town had concerns regarding the timing of proposed traffic mitigation and the proposed No Left Turn sign at Enterprise Drive. EOT also raised concerns about the mitigation plan in the SDEIR and the criteria used to trigger mitigation. However, since the filing of the SDEIR, and subsequent to the submission of the Town of Marshfield comment letter (dated March 10, 2006), the proponent has been in consultations with the Town and with EOT and substantial progress has been made towards achieving agreement on the traffic mitigation plan. The proponent has committed to a comprehensive mitigation package that includes geometric improvements, traffic signal timing and phasing modifications, and Transportation Demand Management (TDM) measures. In a Letter of Commitment from the proponent to EOT (dated March 15, 2006), the proponent has agreed to eliminate the left turn restriction proposed for Enterprise Drive, increased frequency of traffic monitoring, and modify the criteria used to trigger mitigation requirements to expedite the relocation and signalization of Enterprise Drive.

The proponent's Letter of Commitment proposes that levels of occupied space and traffic counts (10% and 40% of total build-out) would be used to determine the timing of mitigation including design and relocation of Enterprise Park Drive. The proponent should continue consultations with EOT and the Town of Marshfield to finalize details regarding thresholds that will trigger mitigation requirements and to ensure that an appropriate mitigation plan is in place.

The proponent should consult with the Town of Marshfield regarding the Interim Traffic Monitoring and Management plan. I encourage the proponent to conduct additional analysis to address the issues raised in the Town's comment letter. I note the town's request that the proponent conduct capacity analysis calculations to further evaluate the police control option and its effect on traffic operations. I encourage the proponent to re-evaluate the Route 139/Furnace Street/Proprietor's Drive as recommended by the Town, with consideration given to the pedestrian actuations of the traffic signal. According to the Town of Marshfield comment letter, the pedestrian phase was not considered in the proponent's analysis and should be considered given that three schools are located in the vicinity of this intersection.

The proponent has committed to a TDM program aimed at reducing site trip generation, providing local transportation services for residents and employees and has committed to providing adequate pedestrian and bicycle access to and from Enterprise Park. The proponent's TDM plan includes working with a local Transportation Management Association, employing a Transportation Coordinator and working with the Plymouth and Brockton bus services to provide a sheltered bus stop on-site. The proponent has also proposed an internal roadway system and sidewalks that will link with the adjacent Mixed-use and the Mount Skirgo developments.

Contaminated Sites

As further detailed in the DEP comment letter, there is one former disposal site located in the vicinity of the proposed project. I refer the proponent to the DEP comment letter for guidance on notification and other measures that may be required if oil and/or hazardous material is identified during project implementation.

Mitigation and Section 61 Findings

The SDEIR included a revised Section 61 Findings for the MHD permit. However, as noted above, mitigation commitments have changed since the filing of the SDEIR. MHD and other state agencies should forward copies of the final Section 61 Findings to the MEPA Office for completion of the project file.

The proponent has committed to a range of mitigation measures including:

- Rare species: pre-construction surveys for Eastern Box Turtle, turtle-exclusion fencing, on-site Conservation Restrictions (CR) for approximately 6 acres of buffer zone lands; and off-site land acquisition and placement of CRs on 220 acres of Eastern Box Turtle habitat;
- Stormwater: use of Low Impact Development (LID) techniques and best management practices (BMPs) including infiltration of roof run-off and erosion and sediment controls;
- Water conservation: low-flow plumbing fixtures and water-efficient landscaping;
- Transportation: traffic monitoring, relocation of Enterprise Drive, an engineering study and 100% design for signalization of the Furnace Street/Forest Street intersection, funding for the Route 139 Corridor Improvement project, and a comprehensive TDM program.

I am satisfied that the DEIR and SDEIR adequately assessed potential project impacts and committed to measures that will avoid, minimize and mitigate adverse impacts. I am satisfied that any outstanding issues can be addressed through the state and local permit and review process. The proposed project requires no further review under MEPA and may proceed to state permitting.

March 17, 2006

DATE


Stephen R. Pritchard, Secretary

Comments Received

2/21/06	Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP)
2/24/06	Department of Environmental Protection, Southeast Regional Office
3/10/06	Town of Marshfield, Planning Board
3/15/06	Executive Office of Transportation, Office of Transportation Planning
3/15/06	Letter from Rackemann Strategic Consulting Inc. (on behalf of the proponent) to EOT (Letter of Commitment for Transportation Mitigation, dated 3/15/06)

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