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March 22, 2007

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

PROJECT NAME : Corner Stone Square
PROJECT MUNICIPALITY : Westford
PROJECT WATERSHED : Merrimack
EOEA NUMBER : 13978
PROJECT PROPONENT : Westford LC, LLC
DATE NOTICED IN MONITOR : February 20, 2007

Pursuant to the Massachusetts Environmental Policy Act (M.G. L., c. 30, ss. 61-62H) and Sections 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 Environmental Notification Form (ENF), the proposed project consists of a 217,500 square foot (sf) retail development including restaurants, office space and associated infrastructure. It is located adjacent to the intersection of Boston Road (83 Boston Road) and Littleton Road (Route 110) (187, 191, 193, 197, 198, 199 and 203 Littleton Road). Primary access to the site will be provided via a signalized intersection from Littleton Road (Route 110). Secondary access will be provided via additional access drives on Littleton Road and a single driveway on Boston Road (to the northern portion of the site). The project will include construction of 955 additional parking spaces for a total of 1,005 spaces. It will include construction of a private, on-site wastewater treatment facility on the southern portion of the site. The project will be serviced by municipal water.

The 31-acre site is bounded on the northwest by Route 495, to the east by Boston Road and to the north and south by wetlands. Littleton Road (Route 110) runs through the southern area of the site from west to east. The site contains approximately 2.2 acres of impervious surfaces including parking lots, two commercial buildings, a bank and three single family homes. The undeveloped portion of the site is primarily wooded and contains wetlands, including a certified vernal pool and a potential vernal pool. In addition, a certified vernal pool is located within bordering vegetated wetlands (BVW) that extend onto the southwest border of the site.

Jurisdiction and Permitting

The project is undergoing MEPA review and subject to preparation of a mandatory Environmental Impact Report (EIR) pursuant to Section 11.03 (6)(a)(6) because it requires a state permit and will generate more than 3,000 average daily vehicle trips (adt). The project requires a Groundwater Discharge Permit and a 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP) and an Access Permit from the Massachusetts Highway Department (MassHighway). In addition, it requires an Order of Conditions from the local Conservation Commission (and hence a Superseding Order of Conditions from MassDEP in the event the local Order is appealed).

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that are within the subject matter of required or potentially required state agency permits, and that may cause significant Damage to the Environment. In this case, these include land alteration, traffic, wetlands/drainage, water quality and wastewater.

Project impacts include alteration of approximately 19 acres of land, creation of approximately 20 acres of new, impervious surfaces, generation of 9,849 new average daily vehicle trips (adt) on a weekday, demand of an additional 28,600 gallons per day (gpd) of water and generation of an additional 28,600 gpd of wastewater. Efforts to avoid, minimize and mitigate impacts include: avoidance of direct wetlands impacts, construction of a stormwater management system consistent with the MassDEP Stormwater Management Policy and roadway improvements.

SCOPE

The EIR should follow Section 11.07 of the MEPA regulations for outline and content, as modified by this scope. It should include a copy of this Certificate and all comment letters.

Project Description

The EIR should include a thorough description of the proposed project and all project elements and phases including as much information as possible on lighting, grading and landscaping. The EIR should include an existing conditions and proposed conditions plan at a suitable scale (e.g. 1" = 40').

The EIR should briefly describe each state permit required for the project and should demonstrate that the project meets any applicable performance standards. The EIR should include an update on local permitting. 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, and address the requirements of Executive Order 385 (Planning for Growth).

Alternatives Analysis

The project will alter approximately 19 acres of land and create approximately 19 acres of new, impervious area. In addition to the Preferred Alternative and No Build Alternative, the EIR should include a Reduced Build Alternative that decreases the amount of traffic generation and creation of new, impervious surfaces and associated impacts. For each alternative, the EIR should quantify the amount of land altered, the amount of earth work involved in meeting final grades and the amount of impervious surfaces created. The EIR should investigate all feasible methods of avoiding, reducing or minimizing impacts to land. The proponent should carefully consider comments from the Town of Westford in developing the Reduced Build Alternative, including the request to minimize impervious surfaces and to integrate passive and active open space into the project design.

I encourage the proponent to evaluate sustainable design alternatives such as Low Impact Development (LID) techniques in site design and stormwater management plans. LID techniques incorporate stormwater best management practices (BMPs) and can reduce impacts to land and water resources by conserving natural systems and hydrologic functions. The primary tools of LID are landscaping features and naturally vegetated areas, which encourage detention, infiltration and filtration of stormwater on-site. Other tools include water conservation and use of pervious surfaces. Clustering of buildings is an example of how LID can preserve open space and minimize land disturbance. LID can also protect natural resources by incorporating wetlands, stream buffers and mature forests as project design features. For more information on LID, visit <http://www.mass.gov/envir/lid/>. Other LID resources include the national LID manual (Low Impact Development Design Strategies: An Integrated Design Approach), which can be found on the EPA website at: <http://www.epa.gov/owow/nps/lid/>.

Traffic and Transportation

The EIR should include a traffic study prepared in conformance with the EOEA/Executive Office of Transportation (EOT) Guidelines for EIR/EIS Traffic Impact Assessments. The traffic study should compare impacts for the various alternatives. It should identify appropriate mitigation measures for areas where the project will have an impact on traffic operations. The proponent should provide a clear commitment to implement and fund mitigation measures and should describe the timing of the implementation based on the phases of the project, if any. The EIR should present capacity analyses and a summary of the average and 95th percentile vehicle queues and actual delay times for each intersection within the study area presented in a tabular format. The EIR should present a merge and diverge and weaving analysis for each ramp junction at the I-495/Boston Road interchange. Any proposed traffic signal must

include a traffic signal warrant analysis according to the Manual of Uniform Traffic Control devices (MUTCD). At a minimum, the traffic study should analyze the following state highway and local roadway locations:

- Route 110/Boston Road (Minot's Corner)
- Route 110/Westford Valley Market Place I/McDonalds
- Route 110/Powers Road
- Route 110/Concord Road (Route 225) East
- Route 110/310 Littleton Road (Westford Technology Park West Driveway)
- Route 110/Concord Road (Route 225) West
- I-495 NB Ramps/Boston Road
- I-495 SB Ramps/Boston Road

In addition, any intersection that will experience an increase attributable to the project of 10% or more over existing traffic volumes and that currently operates at level of service (LOS) D or worse should be included in the analysis.

The EIR should describe the amount of truck traffic associated with the development and discuss proposed truck routes and whether delivery hours will be limited to minimize impacts to traffic.

The EIR should include conceptual plans for the proposed roadway improvements that should be of sufficient detail (e.g. 80 scale) to verify the feasibility of constructing such improvements. The conceptual plans should clearly show proposed lane widths and offsets, layout lines and jurisdictions, and the land uses (including access drives) adjacent to areas where improvements are proposed. Any mitigation within the state highway layout must conform to the MassHighway Development and Design Guidebook, including but not limited to, provisions for lane, median and shoulder widths and bicycle lanes and sidewalks.

EOT, the Northern Middlesex Council of Governments (NMCOG) and the Town of Westford have stressed the importance of coordinating the analysis and design with ongoing and completed transportation and traffic studies and with improvements that will be completed by other proponents (e.g. MassHighway, Westford Technology Park West). The traffic study should incorporate projects that will be completed prior to the 2012 design year in the No-Build and Build scenarios. The EIR should analyze whether these improvements have adequate capacity to accommodate additional traffic generated by this project. I strongly encourage the proponent to consult with the MassHighway Public/Private Development Unit and District 3 regarding the development of the traffic analysis and mitigation prior to filing the EIR.

The EIR should address comments regarding the project's ability to mitigate impacts on the Minot's Corner Intersection and the feasibility and advisability of integrating access from the adjacent Mobil gas station to the site. The EIR should address alternative access drive locations and the ability to minimize curb cuts within the development as well as through cooperation with abutters.

The EIR should identify existing modes along the corridor such as transit, walking and bicycling, analyze existing and future conditions based on the project's impacts and provide measures to increase these modes of transportation. In particular, the EIR should consider how pedestrian connections can be made to existing land uses in close proximity to the site including the Regency Inn. The EIR should include a site circulation plan that clearly demonstrates how vehicular, pedestrian and bicycle access will be provided. The project proponent should consult with the Lowell Regional Transit Authority (LRTA), prior to filing the EIR, regarding the potential for providing transit service to the site.

The EIR should provide the parking ratio for the project and indicate how it was developed. The EIR should address ways to further reduce the amount of parking (and associated impervious surfaces) at the site (such as banking some parking that would only be constructed if warranted by demand or providing structured parking).

Air Quality

In accordance with the State Implementation Plan (SIP) for ozone attainment, the proponent must conduct an indirect source review analysis because this is a non-residential project generating 6,000 or more new trips per day. The purpose of the mesoscale analysis is to determine whether and to what extent the proposed project will increase the amount of volatile organic compounds (VOCs) and nitrogen oxides (NOx) in the project area. The mesoscale analysis will also be used to determine if the project will be consistent with the Massachusetts SIP. This analysis should be conducted in accordance with MassDEP Guidelines for Performing Mesoscale Analysis of Indirect Sources. The proponent should consult with MassDEP for guidance and for confirmation of the appropriate study areas. If hydrocarbon emissions are greater than the No Build scenario, the EIR should include appropriate mitigation including a transportation demand management (TDM) program.

The TDM program should explore all feasible measures to reduce site trip generation. The TDM plans should include specific measures that have been successful in reducing trip generation for retail projects.

Wetlands/Drainage

The project does not include any direct wetlands alterations although it does include work within the buffer zone to wetlands. The project will increase impervious surfaces on the site by approximately 19 acres. The project includes construction of a stormwater management system consisting of catch basins and underground infiltration beds.

The EIR should quantify and describe the amount of work proposed within the buffer zone to wetlands. All resource area boundaries, riverfront areas, applicable buffer zones and 100-year flood elevations should be clearly delineated on a plan. Bordering vegetated wetlands that have been delineated in the field should be surveyed, mapped and located on the plans. Proposed activities, including construction mitigation, erosion and sedimentation control and drainage discharges or overland flow into wetland areas, should be evaluated. The EIR should quantify any wetland alterations proposed including grading, overstory clearing in wetlands and

construction-related disturbances.

The EIR should present drainage calculations and detailed plans for the management of stormwater. It should include a detailed description of the proposed drainage system. The EIR should identify the quantity and quality of flows. The rates of stormwater runoff should be analyzed for the 10, 25 and 100-year storm events. The EIR should demonstrate consistency with the MassDEP Stormwater Management Policy.

As noted previously, the site contains a certified vernal pool and a potential vernal pool. Also, it is in close proximity to a vernal pool on the adjacent Regency Inn property. The Town of Westford has expressed concern that the project could alter and adversely impact the resource values provided by these areas, particularly in regards to wildlife habitat. The EIR should assess impacts from overstory clearing and should demonstrate that existing hydrology to the vernal pools is maintained. The EIR should indicate whether the project must meet the stormwater policy for critical areas for protection of the vernal pools.

Wastewater

The project includes construction of a 30,000 gpd on-site wastewater treatment plant with groundwater discharge to treat wastewater from the entire site. Leaching areas are proposed south of Littleton Road. As noted previously, the project requires a Groundwater Discharge Permit from MassDEP.

The EIR should address the issues identified in the MassDEP comment letter, including the location of the leaching areas in close proximity to stormwater infiltration beds, and demonstrate that the project is consistent with regulatory requirements and standards. The proponent should consult with MassDEP regarding the scope for the hydrogeologic report and the report should be included in the EIR.

Water Use

The project will require approximately 28,600 gpd of water. The ENF indicates that the project will be served by municipal water service. The EIR include documentation from the Town that sufficient resources are available to service this project and it should address any infrastructure requirements. The EIR should contain specific information on conservation measures that will be employed to reduce water demand.

Construction

The EIR should present a discussion on potential construction period impacts (including but not limited to noise, vibration, dust, and traffic maintenance) and analyze feasible measures, which can avoid or eliminate these impacts.

Participation in the MassDEP Diesel Retrofit Program is a way to mitigate adverse construction-period impacts from diesel emissions. I encourage the proponent to work with MassDEP to implement construction-period diesel emission mitigation, which could include the

addition of after-engine emission controls such as oxidation catalysts or particulate filters. Additional information is available at: <http://www.mass.gov/dep/water/wastewater/diesel.pdf>. In addition, the proponent should consider requiring contractors to use on-road low sulfur diesel (LSD) fuel in their off-road construction equipment.

Mitigation

The EIR should include a separate chapter on mitigation measures. This section should include a Draft Section 61 Finding for all state permits. The Draft 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.

Comments


The EIR should contain a copy of this Certificate and a copy of each comment received. The EIR should respond to the comments received, to the extent that the comments are within MEPA subject matter jurisdiction. I defer to the proponent as it develops the format for this section, but the Response to Comments section should provide clear answers to questions raised. The EIR should present additional narrative and/or technical analysis as necessary to respond to the concerns raised.

Circulation

The EIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should also be sent to the list of "comments received" below and to each state and local agency from which the proponent will seek permits or approvals. A copy of the EIR should be made available for public review at the Westford Public Library.

March 22, 2007

Date



Ian A. Bowles

Comments received:

3/9/07	Department of Environmental Protection (MassDEP)
3/12/07	MassDEP/Northeast Regional Office (NERO)
3/12/07	Executive Office of Transportation (EOT)
3/12/07	Northern Middlesex Council of Governments (NMCOG)
3/12/07	Town of Westford/Office of the Town Manager

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