



The Commonwealth of Massachusetts

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STEPHEN R. PRITCHARD
SECRETARY

April 14, 2006

DRAFT RECORD OF DECISION

PROJECT NAME: Redevelopment of Former Bradlees Shopping Plaza
PROJECT MUNICIPALITY: Pittsfield
PROJECT WATERSHED: Housatonic
EOEA NUMBER: 13747
PROJECT PROPONENT: Berkshire Development, LLC
DATE NOTICED IN MONITOR: March 8, 2006

Pursuant to the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and Section 11.11 of the MEPA Regulations (301 CMR 11.00), I have reviewed this project and hereby **propose to grant a waiver** from the categorical requirement to prepare an Environmental Impact Report (EIR). In a separate Certificate also issued today, I have set forth the outstanding issues related to the project that can be addressed by permitting agencies.

Project Description

As outlined in the Expanded Environmental Notification Form (EENF), the project involves the renovation of an existing shopping center that was originally opened in the 1960s as a Bradlees Department Store. The project site is located at the intersection of Routes 9 and 8 in Pittsfield, MA. The Bradlees store consists of approximately 88,400 square feet (sf) of floor area, with an additional retail space of approximately 13,200 sf that was added on at a later date. Currently, 5,000 sf of the Bradlees shell is an active Papa Gino's restaurant and the rest is vacant. A freestanding 6,500 sf restaurant and 2,500 sf bank are currently in operation on the site.

The proposed renovation includes demolition of the 13,500 sf of retail space at the north end of the Bradlees structure, plus about 11,500 sf of the Bradlees building shell; renovation of the remaining Bradlees structure into three new retail facilities; the addition of 15,000 sf of new

retail space attached to the north end of the renovated Bradlees shell and the construction of a new 3,900 sf freestanding structure. The existing freestanding restaurant and bank will remain. The existing parking lot and site utilities will be substantially reconstructed. Access to the site is planned via three curb cuts on Route 9/Merrill Road, two of which are existing and one of which will be a relocation of the existing former main driveway.

Jurisdiction

The project is subject to a mandatory Environmental Impact Report (EIR) pursuant to Section 11.03 (6)(a)(6) of the MEPA regulations because it will generate more than 3,000 new daily vehicle trips. The project will require a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the U.S. Environmental Protection Agency (EPA); an Access Permit from the Massachusetts Highway Department (MHD); an Order of Conditions from the Pittsfield Conservation Commission; Special Permits from the Pittsfield City Council and Community Development Board; and various sign permits, site demolition permits, and utility connection permits from the City of Pittsfield.

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 or potentially required permits with the potential to cause Damage to the Environment. The City of Pittsfield Conservation Commission has already issued the Order of Conditions (OOC) for the project (DEP #263-847), which has not been appealed. Therefore, MEPA does not have jurisdiction over wetlands or stormwater. In this case, MEPA jurisdiction on this project extends to traffic.

Waiver Request

The proponent submitted an Expanded Environmental Notification Form (EENF) for the project with a request for a waiver from the requirement for the preparation of an EIR. A "Traffic Impact Study" was prepared and submitted with the Expanded ENF. The waiver request was discussed at the consultation/scoping session for the project which was held on March 23, 2006.

Criteria for Waiver

Section 11.11 of the MEPA Regulations provides that a waiver may be granted upon a finding that strict compliance with the regulations will result in undue hardship and will not serve to minimize or avoid damage to the environment. In the case of categorically included projects, this finding shall be based on one or more of the following circumstances: 1) the project is likely to cause no damage to the environment; and 2) ample and unconstrained infrastructure exists to support the project. The terms agreed to as a condition of the waiver will bring about benefits in excess of those that could be achieved in the absence of a waiver.

Findings

Based upon the information submitted by the proponent and after consultation with the relevant state agencies, I find that:

1. Although the potential traffic impacts of the project are not insignificant, sufficient mitigation measures will be provided. According to the proponent, the project is estimated to generate approximately 6,170 new vehicle trips per day over current levels. The proponent has documented the project's traffic impacts in the traffic study submitted with the EENF. MHD has stated that the Traffic Impact Report was prepared in compliance with the Executive Office of Environmental Affairs (EOEA)/Executive Office of Transportation (EOT) Guidelines for EIR/EIS Traffic Impact Assessments. In preparing the traffic study, the proponent consulted with MHD District 1 and EOT's Public/Private Development Unit to discuss the project. In its comments on the EENF, EOT/MHD states that the increased traffic from the proposed project will be adequately mitigated by proposed improvements to the state highway. The following mitigation measures are proposed:

- The proponent will construct a two-way left-turn lane (TWLTL) on Merrill Road along the frontage of the site to allow left turns safely and efficiently into the plaza.
- The proponent will relocate the main entrance to the shopping plaza opposite the entrance to the Burger King restaurant across Merrill Road. Exclusive left-turn lanes will be added on Merrill Road into the site driveway and into Burger King. A through lane and a through/right lane will be maintained on each Merrill Road approach. The signal system will include all necessary signal equipment including mast arms, LED signal heads, pedestrian signals and a control cabinet that is hard wired to the existing Coltsville closed loop system.
- With the addition of the TWLTL on Merrill Road, the proponent will construct a full access driveway at the southern end of the site. The proponent will maintain internal connections between the project site and the abutting gas station.
- The proponent will provide the following pedestrian amenities: a bus pull-out and shelter on the west side of Merrill Road; a new sidewalk on the west side of Merrill Road; and new crosswalks, handicapped accessible ramps, and pedestrian signals at the main entrance to the site.
- The TWLTL, the bus pull out and the sidewalk along Merrill Road will necessitate a land transfer from the proponent to the Commonwealth in order to keep public infrastructure within the state layout. The proponent intends to work with the Commonwealth to facilitate the necessary transfer of land.
- The proponent will conduct turning movement counts (AM, PM & Saturday) at the following intersections 2 years after the opening of the plaza: 1) Main Site Drive/Merrill; 2) Stop & Shop/Crane Connector/Merrill; 3) Crane Connector/Dalton; 4) Dalton/Merrill/Cheshire; 5) Cheshire/Allendale; 6) Dalton/Meadowview/TJ Maxx Plaza; and 7) Dalton/Hubbard. These counts will allow MHD to check the actual impact of the project on the Coltsville closed loop signal system and will facilitate the programming of any needed adjustments.

2. The significant number of projected new daily vehicle trips has triggered DEP'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 (NOx) in the project area. The mesoscale analysis will also be used to determine if the project will be consistent with the Massachusetts State Implementation Plan (SIP).

Guidance on conducting the mesoscale analysis can be found in DEP's comment letter on the EENF. If the mesoscale analysis indicates an increase in VOC and NOx emissions, the proponent must develop mitigation measures to offset the increase. The proponent should submit the Air Quality Analysis to MEPA, DEP and to any parties that received the EENF, and should propose mitigation to offset increases in emissions. The proponent should note that issuance of the Final Record of Decision on this project is contingent on the proponent undertaking the air quality analysis as required by DEP and on DEP's acknowledgement that the study and proposed air quality mitigation are adequate. Upon receipt of the air quality analysis, and after a reasonable period of time for review, the MEPA office will solicit comments from DEP staff on the study's sufficiency.

In the EENF, the proponent proposed Transportation Demand Management (TDM) measures aimed at reducing site trips including: construction of pedestrian infrastructure in the vicinity of the site and a bus turnout on the west side of Merrill Road/Route 9 to encourage use of the existing Berkshire Regional Transit Authority (BRTA) bus service. These measures will also help to offset emission increases, however the proponent should also consider and commit to further TDM measures as suggested by DEP.

3. Since the project site is located within the 100-year flood plain of the Housatonic River, as delineated on Pittsfield's Flood Insurance Rate Map (FIRM), the proponent will design the project to meet the specific structural requirements under the State Building Code. The proponent has already received an Order of Conditions from the Pittsfield Conservation Commission for work within the floodplain.

4. The project's stormwater management system will be designed in accordance with City of Pittsfield and the Department of Environmental Protection's (DEP) Stormwater Management Policy under the redevelopment standard. The stormwater management system will include: deep sump hooded catch basins, closed-conveyance drainage piping, concrete sediment traps, and Stormceptor water quality inlets. Due to a more efficient parking layout and the addition of planted islands in the parking lot, the redevelopment project will result in a reduction in the total impervious area on site. The proponent has also developed an Operation and Maintenance (O & M) Plan for the stormwater management system that was submitted with the EENF.

5. The proponent will be required to remediate contamination on the site in accordance with the requirements of the Massachusetts Contingency Plan (MCP).

6. The project represents revitalization of a previously developed site served by existing infrastructure rather than the development of a new site, consistent with the goals of Executive Order #385 – Planning for Growth. The project is also consistent with the goals and objectives of the Pittsfield Comprehensive Development Plan and the Regional Plan for the Berkshires in that it proposes commercial development in existing commercial space and within existing commercial/industrial zones.

Based on these findings, it is my judgment that the waiver request has merit and meets the tests established in Section 11.11. Therefore, I propose to grant the waiver requested for the

Bradlees redevelopment project, subject to the above findings. This Draft Record of Decision (DROD) shall be published in the next issue of the *Environmental Monitor* for a fourteen-day comment period, after which I shall reconsider, modify, or confirm the waiver. I remind the proponent that issuance of the Final Record of Decision (FROD) is contingent upon the completion and distribution of an air quality analysis, and on the proponent's commitment to adequate mitigation for increased emissions.

April 14, 2006

Date

Stephen R. Pritchard

Comments received:

3/13/2006 David Thompson, Coler & Colantonio, for the Proponent
3/17/2006 Jane Winn, Berkshire Environmental Action Team
3/28/2006 Department of Conservation and Recreation
4/6/2006 Executive Office of Transportation
4/6/2006 City of Pittsfield, Department of Community Development
4/7/2006 Berkshire Regional Planning Commission
4/10/2006 Department of Environmental Protection, Western Regional Office

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