



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>

April 28, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
SINGLE ENVIRONMENTAL IMPACT REPORT

PROJECT NAME: Xtra Mart Gas Station and Convenience Store
PROJECT MUNICIPALITY: Sutton
PROJECT WATERSHED: Blackstone
EOEA NUMBER: 13692
PROJECT PROPONENT: Drake Petroleum, Inc.
DATE NOTICED IN MONITOR: March 22, 2006

As Secretary of Environmental Affairs, I hereby determine that the Single Environmental Impact Report (Single EIR) submitted for this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (MEPA) (G. L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00).

Project Description

As described in the Expanded Environmental Notification Form (EENF) and the Single EIR, the project proposes the development of a 5,600 square foot gasoline station/convenience store on Route 146 North in Sutton. The existing site is a 7.8-acre parcel that is densely wooded and undeveloped. The site is located approximately 0.5 miles south of the Millbury/Sutton town line. The project will also include a proposed Subway restaurant and a Dunkin Donuts restaurant with drive-thru access. Environmental impacts associated with the project result from the construction of a public water supply well on the site; the generation of 4,036 new daily vehicle trips; and the removal of 19 living public shade trees of 14 or more inches in diameter.

Jurisdiction and Project Review

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 an Access Permit from the Massachusetts Highway Department (MHD) and two permits related to Water Supply from the Department of Environmental Protection (DEP). The project will also require an Order of Conditions (OOC) from the Sutton Conservation Commission under the MA Wetlands Protection Act and a number of local approvals from the Sutton Planning and Zoning Commission and the Sutton Zoning Board of Appeals.

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 state permits. In this case, jurisdiction extends to transportation and water supply.

MEPA History

In accordance with Section 11.05(7) of the MEPA regulations, the proponent 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 received an extended comment period pursuant to Section 11.06(8) of the MEPA regulations. In a Certificate issued on January 13, 2005, I found that the EENF met the regulatory requirements and I allowed the proponent to file a Single EIR in fulfillment of Section 11.03 of the MEPA regulations. The Certificate on the EENF laid out the issues to be addressed in the Single EIR.

Alternatives

The proposed development has undergone a series of alternative designs and layouts in an effort to minimize environmental impacts. The presence of Bordering Vegetated Wetlands (BVW) on site, the need for a deceleration lane for traffic entering the site from Route 146 and a potential public drinking well with a protective radius pose limitations to site development. In the Single EIR, the proponent considered the no-build alternative, a speculative 5-pump alternative, a development on the southern portion of the site, and the preferred alternative.

The Town of Sutton Planning Board and Conservation Commission originally reviewed a proposed design layout with the majority of development to the south with a commercial parcel to the north, containing a residential structure, 5 gasoline pumps and a convenience store. This layout was proposed directly adjacent to BVW areas. During the local and state review process, the proposed convenience store and gasoline service station were moved to the northern portion of the site; this design layout is the proponent's preferred alternative as described in the Single EIR. This shift addresses the following concerns: 1) a longer deceleration lane can be provided for traffic entering the site from Route 146, in response to comments from MHD; 2) the proposed development is an additional 200 feet from BVW areas; and 3) elimination of the

existing residence on the site addresses concerns about potential user conflicts. The preferred alternative may be carried forward to permitting.

Traffic

Based on Institute of Traffic Engineers (ITE) Land Use Codes 853 and 934, the proposed project is anticipated to generate 4,036 new daily vehicle trips to the project site. Access off of Route 146 will be via two one-way driveways in and out of the site. A MHD Access Permit is required for access to Route 146. In the proximity of the project, Route 146 is a four lane divided highway with two lanes running northbound and two lanes running southbound with a center median barrier.

According to the Single EIR, the land use associated with the project and the location of the project on Route 146 will result in trip generation mainly of a pass-by nature, and therefore the project is not likely to significantly impact the state highway system. In response to comments from MHD, the Single EIR contained an expanded discussion of trip distribution and the pass-by nature of the trips associated with the project. MHD's comments on the Single EIR state that the traffic impact study undertaken by the proponent sufficiently demonstrates that the site will attract minimal traffic from the nearby neighborhoods.

The proponent has consulted with MHD District 3 on the design of the entrance and exit to the proposed site. The following mitigation is proposed at the site:

- A deceleration and acceleration lane will be added to Route 146 northbound to access the site.
- The acceleration lane coming from Colonial Drive will be modified to define a striped end of the acceleration lane just prior to the start of the deceleration lane into the site.
- The acceleration lane out of the site will extend an ample length to provide for acceleration and traffic sightline.
- Box widening along Route 146 will be provided in accordance with MHD regulations.

The proponent should continue to work closely with the District 3 office to ensure that the on and off driveways on Route 146 are designed in accordance with MHD standards and that adequate acceleration and deceleration lanes are provided to accommodate the increased volume of traffic on Route 146.

Water Supply

The Towns of Sutton and Millbury do not operate any public water supplies within a 0.5-mile radius of the site and therefore the proposed development will be served by an existing well located on the northeastern portion of the site. The well will provide potable water to the XtraMart convenience store and gas station. The project water supply demand for the well is expected to be approximately 3,000 gallons per day (gpd). Based on DEP guidance, the well and

proposed water supply system will be classified as a Transient Non-Community (TNC) Water System.

According to the Single EIR, permitting of the well is underway through DEP's New Source Approval permitting process. The proponent has conducted a site visit with DEP and has performed a pumping test and provided the results to DEP in a New Source Final Report (BRP WS 15). DEP notes in its comments on the Single EIR that the well can deliver a safe yield of 60 gallons per minute, which is sufficient to provide for the projected water demand of 3,000 gpd for the proposed project. In addition, no public water supplies exist within 0.5 miles of the well and the new well has shown little fluctuation in static water level due to pumping of any nearby private wells. DEP will issue a final determination on the New Source Approval permit pending MEPA's determination on the Single EIR.

Mitigation

The proponent has committed to the following mitigation measures in the Single EIR:

- Deep sump hooded catch basins will be installed on site to aid in the collection of sediments. Oil and grit separators will be installed to filter runoff and address stormwater quality.
- Extensive erosion and sedimentation control measures will be installed during construction to minimize impacts to the environment.
- Double-walled underground gasoline and diesel storage tanks will be inspected regularly to prevent soil and groundwater contamination.
- Vapor recovery systems will be installed to monitor emissions being released during fueling procedures.
- A deceleration and acceleration lane will be added to Route 146 northbound to access the site.
- The acceleration lane coming from Colonial Drive will be modified to define a striped end of the acceleration lane just prior to the start of the deceleration lane into the site.
- The acceleration lane out of the site will extend an ample length to provide for acceleration and traffic sightline.
- Box widening along Route 146 will be provided in accordance with MHD regulations.

The Single EIR presents Draft Section 61 Findings that address mitigation measures. The final Section 61 Findings will be included with all state permits issued for this project, and will be considered binding upon the proponent as mitigation commitments. In accordance with Section 11.12 (5) (e) of the MEPA regulations, final Section 61 Findings must be forwarded by each permitting agency to the MEPA Office, which will publish a Notice of Availability in the Environmental Monitor. The proponent should provide an updated electronic copy of its proposed Section 61 Findings to both DEP and MHD.

Conclusion

I find the Single EIR to be adequate and am allowing the project to proceed to the state agencies for permitting. The Single EIR contained adequate information on project alternatives, impacts, and mitigation, and provided the state permitting agencies with sufficient information to understand the environmental consequences of their permit decisions. No further MEPA review is required.

April 28, 2006

Date


Stephen R. Pritchard

Comments received:

4/18/2006 Department of Environmental Protection, Central Regional Office
4/21/2006 Executive Office of Transportation

SRP/BA/ba