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May 2, 2008

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
ON THE  
SUUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT REPORT/NOTICE OF PROJECT  
CHANGE

PROJECT NAME : Cold Spring Brook Place  
PROJECT MUNICIPALITY : Sutton  
PROJECT WATERSHED : Blackstone  
EOEA NUMBER : 13249  
PROJECT PROPONENT : Jon R. LeClaire Builders, Inc.  
DATE NOTICED IN MONITOR : March 26, 2008

As Secretary of Energy and Environmental Affairs, I hereby determine that the Supplemental Draft Environmental Impact Report (DEIR) and Notice of Project Change (NPC) submitted on 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).

The proposed project, as described in the original DEIR submitted in March, 2007, consisted of the construction of a mixed-use development that included commercial and residential components. The project had been expanded since the Environmental Notification Form (ENF) was submitted in 2004 to include four new parcels, bringing the total acreage to 51.56 acres and the impervious area to 24.1 acres. It also increased the retail space from 100,415 square feet (sf) to 273,025 sf and replaced the originally proposed 60-room hotel with 60 residential condominiums under Chapter 40B. In addition, 14,438 new daily vehicle trips were projected to be added to the area once construction was complete. This was an increase from the originally proposed 11,385 new daily vehicle trips described in the ENF. The proposed development is located at the corner of Rt. 146 and Boston Road. Previous uses on the site have included a sand and gravel operation that has left the majority of the site cleared of vegetation.

A Notice of Project Change (NPC) was submitted in conjunction with this Supplemental

DEIR. The project change involves a reduction in project area from 51.6 acres to 39.7 acres. The impervious area will also decrease from 24.1 acres to 20.2 acres. The proponent has also decreased the retail space from 273,025 square feet (sf) to 243,050 sf. The Bordering Vegetated Wetlands alteration will decrease from 3,600 square feet to 2,750 square feet. In addition, vehicle trips per day will decrease from 14,438 to 12,174 vehicle trips per day.

### Permits and Jurisdiction

This project is subject to a mandatory EIR pursuant to Sections 11.03 (1)(a)(2), 11.03 (6)(a)(6) and 11.03 (6)(a)(7) of the MEPA regulations because it creates 10 or more acres of impervious area, generates 3,000 or more new adt on roadways providing access to a single location and construction of 1,000 or more new parking spaces at a single location and requires state permits. The project will require a Sewer Connection Permit from the Department of Environmental Protection (DEP) and a Massachusetts Highway Department (MHD) Access Permit. It must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over five acres. An Order of Conditions will be required from the Sutton Conservation Commission. Because the project will now contain 60 residential condominiums under Chapter 40B the project requires a Comprehensive Permit from the Town of Sutton's Board of Appeals pursuant to M.G.L. Chapter 40B (and hence an approval from the Massachusetts Housing Appeals Committee in the event of an appeal of the local Comprehensive Permit).

Since the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends 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, MEPA jurisdiction exists over issues related to wastewater, stormwater, traffic, and potentially the broad subject matter of the 40B process.

### Review of the Supplemental DEIR/NPC and FEIR Scope

The Supplemental DEIR/NPC included a detailed description of the project with a summary/history of the project, and it contained existing and proposed site plans. The Supplemental DEIR/NPC described each state agency action required for the project and how the project is compatible with the performance standards.

While the Supplemental DEIR/NPC adequately addressed the Scope, several issues related to wastewater, stormwater and traffic remain as detailed in MassDEP's, the Town of Sutton's Conservation Commission's, MassHighway's, the Town of Sutton's Planning Board and the Central Mass Regional Planning Commission's comment letters. The Final EIR should respond to the comments received to the extent that they are within MEPA jurisdiction. The proponent should use either an indexed response to comment format, or direct narrative response.

The Supplemental DEIR/NPC has stated that the proponent has continued consultations with MassHighway on transportation issues. As detailed in the Supplemental DEIR/NPC, the proponent has further refined the traffic improvement plan and a potential cost-sharing/mitigation

phasing scheme to account for cumulative impacts associated with the project and the proposed Sutton Plaza project (EEA#13854), which is located nearby. Centerpoint, LLC, the proponent for the Sutton Plaza project (EEA#13854), has stated in its comment letter that the Supplemental DEIR/NPC contains a number of inconsistencies related to joint discussions both proponents have had with MassHighway. The proponent should continue to coordinate with MassHighway and develop draft Section 61 Findings that adequately address the impacts of both the project itself and its share of mitigation for cumulative impacts.

The Final EIR should contain a copy of this Certificate and a copy of each comment received. The Final EIR may incorporate by reference those portions of the Supplemental DEIR/NPC that do not require further analysis. At a minimum, the proponent should circulate the Final EIR to those parties submitting individual written comments on the Supplemental DEIR/NPC, and to any state agency from which the proponent will seek permits. The proponent should also make a reasonable number of hard copies of the Final EIR available on a first come, first served basis. A copy of the Final EIR should be made available for review at the Sutton Public Library.

#### Summary of Supplemental DEIR/NPC Mitigation

The Supplemental DEIR/NPC included a separate chapter on mitigation measures. This chapter on mitigation should also include a draft Section 61 Finding for all state agencies issuing permits for the project. The proposed mitigation chapter contained 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. In the Supplemental DEIR/NPC, the proponent has committed to the following mitigation measures:

##### *Transportation*

The proponent developed two mitigation scenarios for the Future 2012 Build conditions. The first, Scenario I, involves the development of Cold Spring Brook Place only. The second, Scenario II, involves the development the Cold Spring Brook Place in addition to the Sutton Plaza project (EEA#13854). Using Scenario II as a master plan for improvements at the Boston Road-Route 146 intersection, an interim plan, Scenario IIA, was developed. Scenario IIA includes the mitigation improvements required if the Cold Spring Brook Place project begins construction prior to the Sutton Plaza Expansion.

The Scenario I mitigation improvements include the development of Cold Spring Brook Place only:

- Widen the Boston Road-Route 146 intersection to accommodate a second exclusive left turn lane southbound;
- Widen the Boston Road-Route 146 intersection to accommodate an exclusive left turn lane eastbound;
- Widen the Boston Road-Route 146 intersection to accommodate two left turn lanes, one through lane, and one channelized right turn lane westbound;
- Extend the existing northbound left turn lane to provide additional storage;

- Provide deceleration lane and acceleration lane for Route 146 northbound site access;
- Close Pleasant Valley Road access from Route 146 northbound to eliminate weave condition;
- Upgrade the Boston Road-Route 146 traffic signal to accommodate the geometric improvements;
- Widen Boston Road at the proposed site entrance to accommodate exclusive left and right turn lanes into the site;
- Install a traffic signal at the proposed site entrance on Boston Road and coordinate the timings with the Boston Road-Route 146 signal;

The Scenario II involves the development the Cold Spring Brook Place in addition to the Sutton Plaza project (EEA#13854). The mitigation recommended is:

- Widen the Boston Road-Route 146 intersection to accommodate an exclusive left turn lane eastbound and lengthen the right turn lane to provide additional storage;
- Widen Boston Road at the proposed Sutton Plaza full-access site driveway;
- Eliminate one of the curb cuts on Route 146 southbound to extend and improve the deceleration lane at the relocated Sutton Plaza site driveway;
- Modify the existing Sutton Plaza full-access driveway on Boston Road to serve as a right-turn-in-only driveway;
- Widen the Boston Road-Route 146 intersection to accommodate a third through lane northbound and southbound;

The proponent has stated in the Supplemental DEIR/NPC that the accommodation of an additional through lane northbound and southbound was determined through discussion with MassHighway. The Supplemental DEIR/NPC also describes that the northbound through lane can be constructed within the available right-of-way but the southbound through lane will require widening onto the Sutton Plaza property.

Scenario IIA was developed using Scenario II as a master plan for improvements at the Boston Road-Route 146 intersection. Scenario IIA includes the mitigation improvements required if the Cold Spring Brook Place project begins construction prior to the Sutton Plaza project (EEA#13854). The Scenario IIA mitigation improvements are as follows:

- Widen the Boston Road-Route 146 intersection to accommodate a second exclusive left turn lane southbound;
- Widen the Boston Road-Route 146 intersection to accommodate two left turn lanes, one through lane, and one channelized right turn lane westbound;
- Extend the existing northbound left turn lane to provide additional storage;
- Provide deceleration lane and acceleration lane for Route 146 northbound access to Cold Spring Brook Place;
- Close Pleasant Valley Road access from Route 146 northbound to eliminate weave condition;
- Upgrade the Boston Road-Route 146 traffic signal to accommodate the geometric

improvements;

- Widen Boston Road at the proposed Cold Spring Brook Place site entrance to accommodate exclusive left and right turn lanes into the site;
- Install a traffic signal at the proposed Cold Spring Brook Place site entrance on Boston Road and coordinate the timings with the Boston Road-Route 146 signal;

### *Stormwater*

The proponent has committed to a Stormwater Management Plan including Best Management Practices (BMPs) during and after construction in accordance with the MassDEP Stormwater Management Performance Standards and Guidelines. The stormwater management system includes the following:

- Four-foot deep sumps and hoods are specified for all catch basins;
- Extended detention treatment is provided in stormwater management Basin 2 for a first flush volume of runoff equivalent to 1.0 inches of runoff from all paved areas that contribute runoff to this basin;
- Stormceptor systems have been provided in Basin 7 for additional treatment;
- Stormwater management standards prescribed by the Commonwealth require infiltration of at least 0.4 inches of runoff multiplied by the total impervious area for sites with hydrologic soil group A. Infiltration of stormwater is provided in basins and trenches for all stormwater collected, and the infiltration facilities have been sized to completely infiltrate the smaller, most frequently occurring storms that make up the entire annual rainfall in an average year. The stormwater management facilities have all been located outside of riverfront areas.

### *Water Supply and Wastewater Generation*

The Wilkinsonville Water District (WWD) is in the process of seeking approval for new water supply wells that would increase total system capacity. The proponent has stated that discussions with WWD indicate that the water supply requirements of Cold Spring Brook Place will be accommodated by the local water supply system. The proposed site design has accommodated protection afforded the protective Zone 2 Radius for the proposed public water supply wells.

The proponent proposes to investigate a water conservation program for this project. This will include investigation of options such as the installation of plumbing fixtures that promote water conservation, and potential to use greywater for appropriate uses.

### *Bordering Vegetated Wetlands (BVW)*

The proposed wetland crossing will alter 2,750 square feet of BVW. A total of 5,030 square feet of BVW replication is proposed. A riverfront area alteration of 2,000 square feet is also proposed, but only for part of the 5,030 square feet of BVW replication. Work in the buffer zone totals 175,190 187,241 square feet. However, it should be noted that approximately 150,000 square feet of that area is in previously disturbed area associated with the sand and gravel operation. Mitigation measures include the following:

- Reducing buffer zone impacts associated with construction of the emergency access/future condominium project driveway;
- Providing a 25' no-disturb wetland setback on the south side of the 64,000 sf Retail A building;
- Direct infiltration of roof stormwater runoff within the Zone 2;  
Adding a 36" culvert under the Boston Road entrance driveway to provide additional flow capacity.

The Final EIR should include an update on proposed mitigation measures, to the extent that they have changed or been refined from those presented in the Supplemental DEIR/NPC, including an updated draft Section 61 Finding. The draft Section 61 Finding should contain a clear commitment to implement mitigation measures, an estimate of the individual costs of each measure, and identify the party responsible for implementing the mitigation. A schedule for the implementation of mitigation should also be included.

May 2, 2008

Date



Ian A. Bowles

Comments Received:

- 04/22/08 William and Cindy Hastings
- 04/22/08 Department of Environmental Protection-CERO
- 04/24/08 Town of Sutton's Planning Board & Department
- 04/25/08 Centerpoint, LLC
- 04/25/08 Town of Sutton's Conservation Commission
- 04/28/08 Central Mass Regional Planning Commission
- 05/01/08 Executive Office of Transportation/ Massachusetts Highway Department

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