



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
 100 Cambridge Street, Suite 900
 Boston, MA 02114

DEVAL L. PATRICK
 GOVERNOR
 TIMOTHY P. MURRAY
 LIEUTENANT GOVERNOR
 IAN A. BOWLES
 SECRETARY

Tel: (617) 626-1000
 Fax: (617) 626-1181
<http://www.mass.gov/envir>

May 16, 2008

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

PROJECT NAME : Chicopee Crossing
 PROJECT MUNICIPALITY : Chicopee
 PROJECT WATERSHED : Chicopee River
 EOEА NUMBER : 14125
 PROJECT PROPONENT : The Colvest Group. Ltd.
 DATE NOTICED IN MONITOR : April 9, 2008

As Secretary of Environmental Affairs, I hereby determine that the Supplemental Draft Environmental Impact Report (SDEIR) 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 proponent requested that I review the SDEIR as a Final EIR (FEIR). However, additional information and analysis is required to complete MEPA review of the project. The proponent should submit a FEIR in accordance with the scope below.

The project as proposed in the SDEIR consists of a commercial shopping plaza to include a bank, hotel, office and retail buildings, two restaurants, and a parking lot on an approximately 12-acre site. The gross square footage of proposed buildings is approximately 88,000 square feet (sf). The proposed parking lot will include 556 parking spaces. Access to the site will be provided by two paved drives from Route 33.

The project is undergoing environmental review because it requires state agency action and meets or exceeds MEPA review thresholds. The project requires a mandatory EIR pursuant to Section 11.03(6)(a)(6) because it will result in generation of 3,000 or more new average daily trips. The project is also undergoing review pursuant to Section 11.03(1)(b)(2) because it will result in creation of five or more acres of impervious area and Section 11.03(6)(b)(15) because it involves construction of 300 or more new parking spaces.

The project as proposed in the Draft EIR (DEIR) resulted in approximately 10 acres of land alteration, including 8.5 acres of new impervious area. The SDEIR has eliminated 102 parking spaces, thereby reducing land alteration and impervious area. Approximately 1.7 acres on-site has already been altered and includes a parking lot (60 spaces) and high tension electric wires and towers. The project will not directly alter any wetland resources. However, work is proposed within the 100-foot buffer zone. The project will connect to the City of Chicopee municipal sewer and water supply. Water demand and wastewater generation for the project is estimated at 31,300 gallons per day (gpd). The project will result in approximately 5,954 new vehicle trips on an average weekday, 4,138 vehicle trips on an average Saturday, and 635 peak hour vehicle trips on an average Saturday. The project involves construction of 556 parking spaces (including the existing 60 spaces).

The project requires a State Highway Access Permit from the Massachusetts Highway Department (MHD) for access to Route 33. The project requires an Order of Conditions from the Chicopee Conservation Commission (and, on appeal only, a Superseding Order of Conditions from the Massachusetts Department of Environmental Protection (MassDEP)). The project is required to file an Underground Injection Control (UIC) registration with MassDEP. The project also requires a National Pollutant Discharge Elimination System (NPDES) Construction Activities Permit from the U.S. Environmental Protection Agency (EPA).

A MassDEP Sewer Permit for the proposed sewer connection to the Chicopee wastewater collection system is not required because the wastewater flow is less than 50,000 gpd. However, the proponent must meet all the regulatory requirements of 314 CMR 7.05 (h)(1), which includes filing a certification to MassDEP (BRP WP 73) within 60 days after use of the new sewer connection.

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 as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to transportation, wetlands, land, stormwater and drainage.

SCOPE

Alternatives

The SDEIR includes a comparison of impacts associated with the No-build, the proposed alternative, the DEIR alternative, Scheme B, Scheme C, and an alternative with minimum parking. The minimum parking alternative results in a significant reduction in buffer zone impacts and reduces land alteration and impervious area. When compared with the preferred alternative, Scheme C would require less parking but result in more buffer zone and traffic impacts. Scheme B would require more parking and buffer zone impacts; traffic impacts would be similar to the preferred alternative. It is not clear why the proponent is proposing 138 more parking spaces for Scheme C than is required and how this affects the calculations of impacts, and therefore the comparison of alternatives. This should be clarified in the FEIR.

The alternative comparison table in the SDEIR does not quantify land alteration and impervious cover, which makes a comparison of impacts difficult. In addition, the site plans for the alternatives do not label buffer zone or undisturbed area, so it is difficult to see how they differ in terms of their impacts and where any reductions in impacts may be achieved. The SDEIR indicates that 102 parking spaces have been eliminated. However, the comparison of alternatives indicates no change in buffer zone impacts between the DEIR and SDEIR alternatives and does not quantify any reduction in impervious area. The FEIR should include clearly labeled plans, with legends, of the proposed project and its alternatives. The FEIR should quantify, in acres, the land alteration and impervious area associated with each alternative. The proponent should ensure that plans included in the FEIR clarify the changes in the project since the DEIR filing. The FEIR should explain where the reduction in impervious area and/or buffer zone will be achieved based on the reduced parking proposed.

The SDEIR indicates that the proposed project has been updated to promote pedestrian and bicycle travel by including a pedestrian connection to the adjacent apartment building. The SDEIR indicates that structured parking was evaluated and determined to be cost prohibitive and includes a cost estimates of \$15,000 per parking space for structured parking in comparison to \$1,400 per surface parking space for the proposed alternative.

The SDEIR states that the proposed project minimizes impact to resource and buffer zone and minimizes new impervious area. However, the SDEIR also indicates that the minimum parking alternative, which may be feasible, would reduce buffer zone impacts from 9,098 to 5,480 sf and would reduce land alteration and impervious area (not quantified in SDEIR). I expect the proponent to include more clear commitments to the minimum parking alternative if it is feasible. According to the SDEIR, until building occupants are identified, it is unknown whether this alternative is feasible in terms of its consistency with zoning regulations. The proponent should consult with the City of Chicopee on this issue to discuss feasibility and provide an update on consultations in the FEIR.

Stormwater

The SDEIR indicates that the stormwater management system is being designed to treat, retain and infiltrate stormwater on-site. The SDEIR includes a drainage analysis and report. The SDEIR indicates that additional subsurface investigation and analysis is underway and the stormwater management system may be revised based on the most recent findings. The FEIR should discuss the results of the investigation and describe any proposed revisions to the stormwater management system design.

As further detailed in the MassDEP comment letter, MassDEP has recently proposed revisions to 314 CMR 5.00 Ground Water Discharge Permitting Program regulation requiring a General Permit for stormwater discharge into the ground from parking lots with high intensity use (> 1,000 trips per day). As proposed the regulation will require the project to comply with the MassDEP's Stormwater Management Standards. The project may be subject to either Underground Injection Control (UIC) registration or the Groundwater Discharge Permit requirements depending on the timing of final permitting and construction of the project with

respect to promulgation of the regulation. Additional information on the proposed regulation revision is available on the MassDEP web site at <http://www.mass.gov/dep/water/laws/stormf.doc>

The project is currently subject to the UIC regulations for infiltration of stormwater and MassDEP require applicable mitigation measures through the UIC or General GWD Permit process. The proponent should consult with MassDEP regarding mitigation requirements and provide an update in the FEIR.

Sustainable Development

The Scope required that the Supplemental DEIR include a discussion of the project's consistency with the Commonwealth of Massachusetts Sustainable Development Principles. The SDEIR did not include this discussion, which should be addressed in the FEIR.

Transportation

The SDEIR included revised project-generated traffic and capacity analysis in response to comments received on the DEIR. The SDEIR states that the City of Chicopee plans to improve the Fuller Road approach to Route 33. However, as noted in the comment letter from the Executive Office of Transportation and Public Works (EOTPW), further discussions between MassHighway and the City indicate that the timetable for this project is uncertain and may not occur prior to completion of the Chicopee Crossing project. Therefore, the proponent should commit to constructing the exclusive westbound right-turn lane as part of the mitigation requirements.

As further detailed in the EOT comment letter, the capacity analyses for the Route 33/Fuller Road intersection was incorrectly coded. The FEIR should include an analysis of this intersection with the proper configuration and propose adequate mitigation. EOT has also recommended that the Route 33/Fuller Road intersection and the Route 33/Project Site Drive intersection be interconnected and coordinated with the Route 33/MassPike connector intersection and the Route 33/Stop & Shop intersection.

The scope for the SDEIR required that the proponent expand upon the Transportation Demand Management (TDM) program to incorporate all feasible measures aimed at reducing single-occupant vehicle trips to the project site. The SDEIR includes commitments to supporting public transit access, bicycle and pedestrian facilities, encouraging car-pooling to the site and flex-time work schedules. However, the draft Section 61 Findings suggest the improbability of a coordinator to implement the TDM. Therefore, the proponent should consider working with MassRides, the EOTPW travel option provider, as an alternative to the transportation coordinator. The SDEIR includes documentation of preliminary discussions with the Pioneer Valley Transit Authority (PVTA) concerning construction of a new lighted bus shelter on Memorial Drive at the site, and enhancement of the PVTA Green 1 and Green 19 bus routes to provide regularly scheduled service to the site. The TDM measures include a commitment by the proponent to fund the bus shelter and provide a pedestrian walkway to it and the street.

The FEIR should include a revised mitigation proposal to address EOT comments and recommendations. The FEIR should include an update on the local permitting process for the proposed project with respect to any state highway issues being discussed. I encourage the proponent to consult with MassHighway before any state highway issues are discussed in local meetings or hearings. The SDEIR indicates that the proponent has consulted with the Massachusetts Turnpike Authority (MTA) and that no MTA permits are required.

Mitigation and Section 61 Findings

The FEIR should include a revised mitigation chapter that summarizes all the proponent's commitments to mitigations and reflects changes to the project since the SDEIR. The FEIR should include a revised letter of commitment that identifies mitigation measures at the Route 33/MassPike Connectors. The letter of commitment should identify specific project impacts and mitigation measures at the following locations: the Route 33/Fuller Road intersection; the Route 33/Project Site Drive intersection; and the Route 33/Stop & Shop intersection and include a commitment to implement an interconnection/coordination system along Route 33. This letter will serve as the basis for EOT/MassHighway to issue a Section 61 Finding for the project.

Response to Comments

In order to ensure that the issues raised by commenters are addressed, the FEIR should include a response to comments. This directive is not intended to, and shall not be construed to, enlarge the scope of the FEIR beyond what has been expressly identified in the initial scoping certificate or this certificate. The FEIR should include a copy of this Certificate and comment letters received on the Supplemental DEIR.

Circulation

The FEIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should be sent to the list of "comments received" below, to state agencies from which a permit or approval will be required, and to the City of Chicopee. A copy of the FEIR should be made available for public review at the Chicopee Public Library.

May 16, 2008

DATE



Ian A. Bowles, Secretary

Comments received

5/08/08 Department of Environmental Protection, Western Regional Office
5/13/08 Executive Office of Transportation and Public Works (EOTPW), Office of
Transportation Planning

1AB/AF/ae