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May 18, 2007

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
EXPANDED ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Proposed Retail/Restaurant Development
PROJECT MUNICIPALITY : Attleboro
PROJECT WATERSHED : Ten Mile River
EEA NUMBER : 13997
PROJECT PROPONENT : The Richmond Company
DATE NOTICED IN MONITOR : April 11, 2007

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 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). The proponent submitted an Expanded Environmental Notification Form (ENF) with a request that I grant a Phase I waiver to allow a portion of the project to proceed prior to completion of an Environmental Impact Report (EIR) for the entire project. In a Draft Record of Decision (DROD) issued today, I propose granting a Phase I waiver. The DROD will be published in the May 23, 2007 issue of the *Environmental Monitor* for a fourteen-day comment period, after which I shall reconsider, modify, or confirm the waiver.

Project Summary

The proposed project consists of construction of a 29,000 square foot (sf) mixed use development and demolition of existing buildings on a 5.5-acre site. The project will generate approximately 3,170 new vehicle trips per day (tpd), for a total of 3,300 tpd, and includes construction of 244 new parking spaces, for a total of 254 spaces. Water use and wastewater generation is estimated in the Expanded ENF at 15,465 gallons per day (gpd). The project will result in approximately 4 acres of new impervious area. Phase I of the project includes a 12,500 sf pharmacy with a drop-off window, a 2,000 sf tuxedo shop building, and 85 parking spaces. Phase II includes two restaurants (5,040 sf and 6,920 sf) and a 2,400 sf office/bank (with a two lane drive-up window) and 169 parking spaces.



Mitigation

The Expanded ENF includes the following proposed mitigation measures:

- A stormwater management system that will comply with MassDEP Stormwater Management Policy standards;
- Funding for roadway and intersection improvements to mitigate impacts associated with full build-out, which will be implemented prior to Phase I occupancy. Proposed mitigation includes modification of traffic signal phasing and timing for the Route 1/Route 1A intersection, and the Route 123 intersection with Route 1 and Route 1A. Route 1A will be restriped to provide an exclusive left-turn at the site driveway. The proponent will donate frontage through easements along Route 123 for potential future widening of the roadway; and
- The proponent will encourage tenants to implement a water conservation program.

Permits and MEPA Jurisdiction

The project requires a Sewer Extension Permit from the Massachusetts Department of Environmental Protection (MassDEP), an Access Permit from the Massachusetts Highway Department (MassHighway), and a U.S. Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Permit.

The project is undergoing MEPA review and is subject to a mandatory EIR pursuant to Section 11.03(6)(a)(6) because it involves generation of 3,000 or more new average daily trips (adt) on roadways providing access to a single location. 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, state permits that have the potential to cause damage to the environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to transportation, wastewater, land and stormwater.

The Expanded ENF describes Phase I and II of the project, including potential impacts and proposed mitigation. No significant issues requiring further analysis were identified in the comment letters received. MassDEP indicates that wastewater issues can be addressed during the permit process. The Executive Office of Transportation (EOT) indicates that the ENF has adequately analyzed traffic and proposed mitigation measures to address the project's impacts. Therefore, the Scope for the Draft EIR, as outlined below, is limited. If the DEIR adequately addresses the Scope below and no substantive issues remain, I will consider reviewing the Draft EIR as a Final EIR in accordance with Section 11.08(8)(b)(2) of the MEPA regulations.

SCOPE

General

The proponent should prepare a Draft EIR (DEIR) in accordance with the general guidance for outline and content found in Section 11.07 of the MEPA regulations as modified by

this Scope. The DEIR should include a copy of this Certificate and a copy of each comment letter received. The DEIR should include a project summary, update on Phase I, and maps and plans to facilitate review and comment.

Alternatives

The DEIR should update the alternatives analysis provided in the ENF with a comparison of traffic impacts associated with each alternative.

Transportation

The ENF included a traffic study that generally conforms to the EEA/EOT Guidelines for Traffic Impact Assessment. The traffic study addressed Phase I and the proposed full build-out. As recommended by EOT, and as conditioned in the proposed Draft Record of Decision on the Phase I Waiver, the proponent should monitor queues along Route 1A. The DEIR should provide an update on the monitoring program, consultations with EOT and MassHighway, and plans for driveway reconfiguration if deemed necessary by MassHighway.

The proponent has committed to implement transportation improvements, prior to Phase I occupancy that will mitigate impacts associated with full build-out of the project. The DEIR should provide an update on mitigation, including traffic signal modifications and other improvements proposed. The proponent should develop, and include in the DEIR, proposed Transportation Demand Management (TDM) measures aimed at providing transportation alternatives to the site.

Sustainable Design

I encourage the proponent to implement green building and other sustainable design elements that can provide environmental and economic benefits, and to describe proposed measures in the DEIR. The basic elements of a sustainable design program may include, but not be limited to, the following measures:

- Leadership in Energy and Environmental Design (LEED) certification;
- water conservation and reuse of wastewater and stormwater;
- ecological landscaping (including retention of existing living public shade trees);
- use of Low Impact Development (LID) techniques (the proponent may find the following web sites useful www.mass.gov/envir/lid and www.lid-stormwater.net);
- optimization of natural day-lighting, passive solar gain, and natural cooling;
- use of energy efficient Heating, Ventilation and Air Conditioning (HVAC) and lighting systems, appliances and other equipment, and use of solar preheating of makeup air;
- favoring building supplies and materials that are non-toxic, made from recycled materials, and made with low embodied energy; and
- provision of easily accessible and user-friendly recycling system infrastructure.

Mitigation

The DEIR should include proposed Section 61 Findings for all state permits that includes mitigation details and commitments, a schedule for implementation, and information on parties responsible for funding and implementing the mitigation measures.

Comments

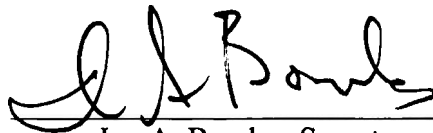
The DEIR should respond to the comments received to the extent that they are within MEPA jurisdiction and present any additional narrative or quantitative analysis necessary to respond to the comments received.

Circulation

The DEIR should be circulated to all who submitted commented on the ENF as listed below, to the City of Attleboro, to any agency from which the proponent may require a permit or approval, and to others as required by Section 11.16 of the MEPA regulations. A copy of the DEIR should also be made available for public review at the Attleboro Public Library.

May 18, 2007

DATE



Ian A. Bowles, Secretary

Comments Received

5/11/07 Department of Environmental Protection, Southeast Regional Office
5/11/07 Executive Office of Transportation, Office of Transportation Planning

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