



# The Commonwealth of Massachusetts

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July 7, 2006

## CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Mixed Use Development  
PROJECT MUNICIPALITY : Palmer  
PROJECT WATERSHED : Chicopee  
EOEA NUMBER : 13788  
PROJECT PROPONENT : Northeast Realty Associates, LLC  
DATE NOTICED IN MONITOR : April 26, 2006

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 **does not require** the preparation of an Environmental Impact Report (EIR). However, a Notice of Project Change (NPC) will be required for any additional development on the site beyond that described in the Environmental Notification Form (ENF). The proposed project is located on an approximately 10-acre portion of a 135-acre site, and the proponent has indicated that there are as yet no development plans for the remainder of the site.

The proposed project consists of construction of a bank, fast food facility, two restaurants, a convenience store and a gas station, and 363 parking spaces. The total development space proposed is 28,650 square feet. The project as proposed in the ENF will result in 9.21 acres of land alteration, including approximately 5.8 acres of impervious area. The project will alter 16,724 square feet (sf) of Riverfront Area and involves work in the 100-foot buffer zone to a Bordering Vegetated Wetlands. Vehicle trips are estimated at 5,860 trips per day. Water use is estimated at 34,381 gallons per day (gpd) and wastewater generation at 31,256 gpd. Water and sewer services will be provided by the Town of Palmer.

The project is undergoing MEPA review pursuant to Section 11.03(1)(b) (2) because it will result in the creation of five or more acres of impervious area; Section 11.03(6)(a)(6) because it will generate 3,000 or more new average daily trips (adt) on roadways providing access to a single location, and Section 11.03(6)(b)(15) because the project involves construction of 300 or more new parking spaces at a single location.

The project requires a Sewer Extension Permit from the Department of Environmental Protection (DEP). The project requires an Order of Conditions from the Palmer Conservation Commission (and, on appeal only, a Superseding Order from DEP). The project will also require a National Pollutant Discharge Elimination System (NPDES) Construction Activities Permit from the US Environmental Protection Agency (EPA).

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 wetlands, wastewater, land, stormwater and drainage.

### Wetlands

The project as proposed in the ENF will impact approximately 16,724 sf of Riverfront Area. This includes 10,998 sf of alteration associated with the proposed stormwater management system and 5,726 sf of alteration associated with other components of the project. The proponent should make all feasible efforts to minimize impacts to Riverfront Area.

The project is proposed as a redevelopment project in accordance with 310 CMR 10.58(5). However, as further detailed in the DEP comment letter, it is not clear whether the proposed design conforms to 310 CMR 10.58(5) and additional information should be submitted as part of the Notice of Intent filing to demonstrate that the project will conform to performance standards. The project will be required to meet the DEP Stormwater Management Policy standards and implement Best Management Practices (BMPs). DEP has indicated that the project can progress through the local permitting process if the proponent incorporates BMPs and provides mitigation for all jurisdictional area impacts.

### Wastewater

The project requires a minor sewer extension permit (BRP WP 18) from DEP. Project wastewater flows are estimated in the ENF at 31, 256 gpd. The minor sewer extension permit application should include an analysis for the Town of Palmer to determine whether adequate hydraulic capacity exists in the receiving sewer for the estimated wastewater flow, and the effect of this flow to the existing sewer siphon upstream of the sewer connection.

### Traffic

The proposed project is under local jurisdiction with regard to traffic and does not require a permit or other state action from the MassHighway Department (MHD). The proponent has indicated that the project will not involve any work in the Massachusetts Turnpike Authority (MTA) right-of-way (ROW) and will not require an easement or other state action from the MTA. Therefore, MEPA jurisdiction does not extend to transportation. However, the MTA, PVPC and the Town of Palmer have raised concerns about traffic impacts associated with the project and potential exacerbation of conditions at the intersection of Route 32 and the MassPike

(Exit 8). The MTA has recommended that the sequence and timing of the traffic signal at this intersection should be updated, with a new controller if necessary. I ask that the proponent provide MTA and PVPC with a copy of the traffic study, including analysis of the Route 32/MassPike Exit 8 intersection, and continue consultations with these agencies in order to develop appropriate mitigation measures.

The proponent has committed to off-site mitigation including widening of Route 32 (Thorndike Street), signaling the intersection of Shearer Street, Thorndike Street and the site driveway, donating land along the right-of-way, and repairing or replacing malfunctioning pedestrian signals at the Route 32/MassPike ramps (Exit 8). The proponent has also committed to work with MTA to modify traffic signal timings and phasings, as well as upgrading traffic signal equipment, if deemed necessary. According to the ENF, mitigation includes installation of a traffic signal at the intersection of Route 32 with Shearer Street and the proposed site drive. The ENF proposes coordinating this signal with an existing signal at the intersection of Route 32 with the Big Y supermarket. I encourage the proponent to consider the traffic signal at the Route 32/MassPike Exit 8 intersection as part of the coordinated system. This intersection, which already experiences congestion, is located in close proximity to the proposed project and could benefit from a coordinated signal system to improve traffic flow.

#### Land Use

Based on the comment letter from PVPC, the project as proposed in the ENF is not wholly consistent with the *Valley Vision* regional land use plan because the site is identified as "Sensitive Land within Smart Growth Boundary, which is land typically deemed suitable for protected farmland and open space. The proponent should consult with PVPC regarding its comments and recommendations for additional environmental protection measures to avoid and minimize adverse impacts associated with project.

The proponent should ensure that a hazardous materials management plan and spill prevention and control plan are in place to address potential impacts associated with the proposed gas station and other land uses.

#### Stormwater Management

The ENF included drainage calculations for existing and proposed conditions and proposed a stormwater management system that will include deep sump catch basins, Stormceptor units and a detention basin with sediment forebays. The detention basin has been sized to handle the 100-year storm. As further detailed in the comment letter from the Pioneer Valley Planning Commission (PVPC), the project area has been classified as "Sensitive Land within Smart Growth Boundary" due to the presence of significant steep slopes. The proponent should ensure effective stormwater management controls to avoid and minimize any adverse impacts associated with the project, including its construction phase, which will require significant grading. The proponent should ensure an effective long-term Operations and Management Plan is implemented as part of the project. The ENF indicates that an O&M Plan will be submitted to the Conservation Commission as part of the Notice of Intent process. The

O&M Plan should clarify responsibilities for long-term maintenance of the stormwater management system.

The PVPC raised concerns regarding potential impacts to cold water fisheries of the Quaboag River due to increased temperature of stormwater run-off. I encourage the proponent to consult with the PVPC regarding their comments and recommendations on Stormwater management. The proponent should ensure that appropriate BMPs are implemented to avoid adverse impacts to cold water fishery habitat. The ENF indicates that recharge potential is limited on the site due to steep grades and ledge conditions, and that the project will be designed to provide recharge as much as practicable. I encourage the proponent to implement Low Impact Development (LID) BMPs for stormwater management to the extent feasible. These may include measures to capture and treat water in small localized systems such as rain gardens in parking lot islands, porous pavers in overflow parking areas, and green roofs.

### Construction Activities

As further detailed in the DEP comment letter, the proponent should ensure that construction activity conforms to current Air Pollution Control Regulations (310 CMR 7.00), including DEP notification requirements. Solid waste generated by the proposed project must be properly managed and disposed of in accordance with M.G.L. Chapter 40, Section 54, 310 CMR 16.00 and 310 CMR 19.00 (including the waste ban regulations at 310 CMR 19.017). The proponent should ensure that any crushing and/or reuse of asphalt, brick and concrete (ABC) complies with DEP notification and permit requirements as further detailed in its comment letter.

The proponent should ensure that measures are taken to avoid adverse impacts to water resources as a result of blasting activities, including potential impacts associated with the use of the chemical perchlorate in blasting agents. I refer the proponent to DEP recommendations at <http://www.mass.gov/dep/cleanup/laws/blasting.htm>

The proponent should ensure that appropriate erosion and sedimentation controls are implemented to avoid and minimize adverse impacts to wetlands and surface waters during construction activities. The proponent should also ensure that appropriate measures are implemented to avoid and minimize dust, noise, odor, traffic, and nuisance conditions associated with construction activities.

### Sustainable Design

I encourage the proponent to require Leadership in Environmental Design (LEED) Certification for new construction. The incorporation of high performance/green building elements in project design will help reduce the environmental footprint of the final project in terms of energy and water consumption, ambient and indoor air quality, land alteration, and resource consumption. Other sustainable design measures, which can reduce project development and long-term operational costs, may include:

- water conservation and reuse of wastewater and stormwater;
- recycling and reuse of construction and demolition (C&D) materials;

- ecological landscaping;
- use of Low Impact Development (LID) techniques (the proponent may find the following web sites useful [www.mass.gov/envir/lid](http://www.mass.gov/envir/lid) and [www.lid-stormwater.net](http://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;
- provision of easily accessible and user-friendly recycling system infrastructure.

I have determined that the ENF has sufficiently defined the nature and general elements of the project and proposed measures to avoid and minimize environmental impacts. I am satisfied that any remaining issues can be adequately addressed during the state and local permitting and review process. The proposed project, as described in the ENF, requires no further review under MEPA. I remind the proponent that any development of the remainder of the project site will require a Notice of Project Change (NPC) in accordance with Section 11.10 of the MEPA regulations.

July 7, 2006

DATE



Stephen R. Pritchard, Secretary

Comments Received:

5/15/06	Pioneer Valley Planning Commission
5/16/06	Town of Palmer, Planning Board
6/14/06	Department of Environmental Protection, Western Regional Office

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