



# *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>

July 28, 2006

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

PROJECT NAME : Foxborough State Hospital  
PROJECT MUNICIPALITY : Foxborough  
PROJECT WATERSHED : Neponset River  
EOEA NUMBER : 13554  
PROJECT PROPONENT : VinCo Properties  
DATE NOTICED IN MONITOR : June 21, 2006

As Secretary of Environmental Affairs, I hereby determine that the Final Environmental Impact Report (FEIR) 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).

As described in the FEIR, the proposed project is a mixed-use development consisting of office, retail and residential development on a 93-acre site, which is part of the former Foxborough State Hospital property. The project includes new construction as well as reuse and rehabilitation of existing historic buildings. The project also involves demolition of portions of the former hospital facility. The redevelopment plan includes 608,772 square foot (sf) of development, including 203 residential units (consisting of a combination of single-family, townhomes, and condominium/apartments), 55,000 sf of retail space, 100,000 sf of office space and a wastewater treatment facility (WWTF).

The project will be conducted in two phases. A Final Record of Decision (FROD) granting a Phase I Waiver was issued on August 29, 2005. Phase I involves demolition and remediation of existing buildings, construction of 29 single-family homes with associated infrastructure, and construction of a baseball field on adjacent recreation land owned by the Town of Foxborough. Phase II consists of the remainder of the proposed development.

The proposed development will involve approximately 24.9 acres of new land alteration (including creation of 22.5 acres of new impervious area). The FEIR (Table 1, page 5) indicates 37.9 acres of land alteration (compared with 23.5 acres in DEIR). The difference in acreage is because the FEIR total alteration (37.9 acres) includes areas with existing buildings and roadways that will be incorporated as part of the project. Traffic impacts are estimated at 4,634 vehicle trips per day for the full project build-out. The project includes construction of 672 new parking spaces for a total of 957 spaces. Since the filing of the Draft EIR (DEIR), the project has been modified resulting in an increase of 23,000 sf of buildings, approximately 1 acre of impervious area and 129 parking spaces. Other changes since the filing of the DEIR include proposed demolition of the Mason and Carpenter Shops to enable construction of new age-restricted townhouses, replacement of 20 apartments with 20 townhouse units, an increase in office space from 90,000 to 100,000 sf, and an increase in retail from 30,000 to 55,000 sf.

Water use and wastewater generation for the project is estimated at 71,400 gallons per day (gpd) based on Title 5 flows (actual use is estimated at an average of 36,000 gpd). The project includes construction of on-site Title 5 septic systems for the single-family homes. A wastewater treatment plant and leaching field is proposed to manage wastewater from the remainder of the development. In addition to domestic water demand, the project's irrigation needs are estimated at 79,000 gpd. Reuse of treated wastewater will provide approximately 14,000 gpd of irrigation water and the balance will be supplied from an on-site well.

The project is undergoing MEPA review and requires the preparation of a mandatory EIR pursuant to: Sections 11.03(1)(a)(2) of the MEPA regulations because it involves creation of 10 acres or more of impervious area; and Section 11.03(6)(6) because it involves generation of 3,000 or more new vehicle trips per day on roadways providing access to a single location. The project is also undergoing MEPA review pursuant to Section 11.03(5)(b)(4)(c)(ii) because it involves discharge to groundwater of 50,000 or more gpd of sewage.

The project will require a Groundwater Discharge Permit, a Wastewater Treatment Plant Approval, a Sewer Extension/Connection Permit, and an approval for new water mains from the Department of Environmental Protection (DEP). The project requires an Order of Conditions from the Foxborough Conservation Commission (and, on appeal only, a Superseding Order from DEP). The project will also require an Access Permit from MassHighway Department (MHD) for access to Route 140 and a National Pollutant Discharge Elimination System (NPDES) Construction Activities Permit from the US Environmental Protection Agency (EPA).

The project involves a land transfer from an agency of the Commonwealth (the property is under a purchase and sale agreement with the Division of Capital Assets Management (DCAM)). Therefore, MEPA jurisdiction is broad and extends to all aspects of the project with the potential to cause Damage to the Environment, as defined in the MEPA regulations.

### Alternatives

The FEIR provides additional information and clarifications on the alternatives analysis, which includes four different types of mixed use developments and a comparison of their environmental impacts. As further detailed in the FEIR, the preferred alternative, the 2002 Consensus Reuse Plan, was the result of an extensive redevelopment planning process between

the Town of Foxborough and the DCAM. According to the FEIR, the proposed project will result in significantly less land alteration compared with other alternatives, and has been designed to meet the Town's development needs, and to maximize open space as well as reuse and rehabilitation of existing buildings.

### Wetlands

The proposed project will not result in any direct wetlands alteration. Portions of the project will be constructed within the buffer zone to bordering vegetated wetlands, resulting in approximately 1.8 acres of buffer zone alteration.

### Open Space and Habitat Conservation

Approximately 15 acres of the project site will be deed-restricted and permanently protected as open space and approximately 23 acres will be maintained as lawns and landscaping. According to the FEIR, the project will use native, drought-tolerant species to minimize irrigation needs and invasive species impacts. The project will also implement an Integrated Pest Management (IPM) Plan to minimize the use of chemical controls for lawns and landscaped areas. A maintenance plan for trees on the project site has been developed to ensure preservation and appropriate maintenance of significant trees in the project area.

### Transportation

The FEIR includes a Traffic Study that generally conforms to the EOEA/EOT Guidelines for EIR/EIS Traffic Impact Assessments and EOT is satisfied that the FEIR has addressed its comments on the DEIR. EOT has also indicated that the project changes identified in the FEIR are not expected to have a significant impact on the Route 140 corridor.

The FEIR included a signal warrant analysis, which indicates that traffic controls on Route 140 are needed at the intersection with North Street/Commercial driveway and Chestnut Street/Weston Avenue. The Town of Foxborough has proposed to signalize the intersection of Route 140/Chestnut Street. The proponent has committed to fund the design and construction of traffic control signals at the Route 140/North Street intersection. These signals will be coordinated with the signals on Route 140 and the Stop & Shop driveway and the Chestnut Street/Weston Avenues intersection. EOT concurs with the geometric changes proposed, the propose timing of development impacting the state highway, and the revised mitigation plan presented in the FEIR. The proponent should continue to work with the Town of Foxborough and the MHD District 5 Office to ensure optimum traffic operation in the improvement areas.

The FEIR presents a revised conceptual plan for transportation improvements, which includes:

- Reconfiguration of North Street between Route 140 and Chestnut Street, to function as a northbound one-way street from Route 140;
- Widening of Route 140 to provide two southbound lanes from the Stop & Shop driveway;

- Realignment of Chestnut Street with Route 140 to function as a one-way exit to Route 140;
- Installation of a roundabout at the North Street/Chestnut Street intersection; and
- Installation of fully actuated traffic control signal system on Route 140 at its intersections with North Street/Commercial driveway and Chestnut Street/Weston Avenue.

The FEIR proposes a revised Transportation Demand Management (TDM) program that includes pedestrian and bicycle accommodations and other measures aimed at reducing vehicle trips to and from the site. Proposed TDM measures include on and off-site sidewalks and pedestrian areas that will provide connectivity between the project, the Stop & Shop to the north of the site, and Foxborough Center to the south. The TDM program also includes bicycle detection and signage, bicycle racks and/or storage lockers, and a ridesharing program to be implemented by an on-site Transportation Coordinator. The TDM program described in the FEIR also includes an annual employee survey and traffic monitoring program to document its effectiveness. The proponent has committed to work with the Massachusetts Bay Transportation Agency (MBTA), MHD and the Town of Foxborough to investigate the feasibility of providing dial-a-ride or similar services for elderly and handicapped residents of the development.

### Historical Resources

The Foxborough State Hospital Campus is currently listed in the State and National Registers of Historic Places. The project is the subject of a Memorandum of Agreement (MOA, July 31, 1995) between the Massachusetts Historical Commission (MHC) and DCAM (formerly known as the Division of Capital, Planning and Operations (DCPO)).

Since the filing of the DEIR, the proponent has consulted with the National Park Service (NPS) and the Massachusetts Historical Commission (MHC) regarding the project's consistency with requirements for the Federal Investment Tax Credit program. The proponent anticipates filing a Historic Preservation Certification Application (Parts 1 and 2) with NPS and MHC by the end of August 2006. As requested by MHC and the DEIR Certificate, the proponent has submitted photographic documentation to MHC, and to the Town of Foxborough.

The FEIR provides additional information regarding the demolition of cottages E and H in response to concerns raised by MHC (in its comment letter on the DEIR). The FEIR (appendix C) includes a letter from the Foxborough Historical Commission (March 17, 2006) explaining that, although the Commonwealth has an historical covenant on Cottages E and H, the boundaries of the Baker Street Historic District were changed and no longer include that section of the street. In addition, the Commission has determined that Cottage E was in an advanced state of deterioration and had been substantially altered at the expense of its historical significance, and that Cottage H was not the original building but a much later replacement.

### Stormwater and Drainage

The FEIR includes additional information on existing drainage conditions and the proposed stormwater management system. The proposed system is being designed to meet

DEP's Stormwater Management Policy and applicable standards. The project will increase groundwater recharge above existing conditions and includes best management practices (BMPs) such as deep sump catch basins, water quality inlets, forebays and infiltration basins. Total Suspended Solids (TSS) removal is estimated at 87%. According to the FEIR, the Town of Foxborough will be responsible for stormwater systems associated with the residential subdivisions on Parcels F2-A and A-B, once the roadways are accepted as public ways, and that project owners will be responsible for system maintenance on other parts of the project site. The proponent should ensure that mechanisms are in place for effective long-term operation and maintenance of the stormwater system.

### Wastewater

The proposed project includes an on-site wastewater treatment facility (WWTF) and leaching fields, which will be designed to handle a flow of approximately 45,000 gallons per day (gpd). The WWTF will handle flows from all components of the development except the single-family homes, which will be served by individual Title 5 septic systems.

According to the FEIR, the proponent submitted a Groundwater Discharge Permit (GDP) application to DEP in March 2006. The FEIR provides additional information on the hydrogeological analysis conducted as part of the GDP application process and notes that the proposed WWTF location was selected based on an analysis of alternatives, as well as modeling to determine site suitability and potential impacts of the effluent disposal.

### Water Supply

The FEIR includes additional information and clarifications on proposed water use, including a breakdown for different project components and water conservation plans. As further detailed in the FEIR, the water use estimates presented in the DEIR were based on Title 5 flows of 110 gpd/bedroom (not 110 gpd per capita). The FEIR indicates that actual use is expected to be approximately 36,000 gpd on average (the 71,400 gpd estimate is based on Title 5 calculations, which account for periodic high flows in design of the sewage disposal system).

The proponent has committed to a water conservation plan that includes a leak detection program, hydrant replacement, and water efficient fixtures anticipated to reduce domestic water demand by up to 30%. According to the FEIR, irrigation needs for the project will be 79,000 gpd. I encourage the proponent to develop and implement landscaping and water conservation management plans to minimize water use associated with project. The FEIR indicates that 14,000 gpd of the project's irrigation needs will be supplied by reusing treated effluent from the WWTF. I commend the proponent for its efforts in this regard and encourage additional reuse of wastewater where feasible.

### Site Contamination

The FEIR provided additional information on the findings and recommendations of the Phase I Environmental Site Assessment. According to the FEIR, environmental issues associated with past site uses have been addressed in accordance with the Massachusetts Contingency Plan

(MCP) guidelines. No Activity and Use Limitations (AULs) are proposed for the project site. An investigation will be conducted in the area of the greenhouses to determine if any action under the MCP is required relating to pesticide and herbicide-contaminated soils.

As further detailed in its comment letter, the DEP has indicated that there is one current and two former disposal sites located on the project site. I refer the proponent to the DEP comment letter, and encourage the proponent to consult with DEP, for guidance on potential notification or other requirements relating to site contamination.

### Construction and Demolition

The proponent has committed in the DEIR and FEIR to various measures to avoid and minimize construction-related impacts. The proposed construction management plan (CMP) includes measures to address air quality, erosion control, equipment fueling and storage, hazardous materials storage and handling, and resource and waste Management. The proponent has committed to a goal of 90% recyclable waste for the project's demolition waste and will work with contractors to encourage recycling of construction materials to the maximum extent feasible. The proponent will also work with contractors to promote participation in the Massachusetts Diesel Retrofit Program.

### Sustainable Design

The FEIR identifies a range of sustainable design elements to which the proponent has committed. These include: reuse and rehabilitation of existing buildings and infrastructure; wastewater reuse; use of local materials to the extent feasible; recycling of construction and demolition (C&D) materials, water and energy-efficiency measures (including Energy Star appliances for the residential component); and a TDM program to reduce vehicle trips. Other sustainable design elements under review include use of recycled, renewable and non-toxic materials during construction, and a recycling infrastructure for the project's operational phase. I commend the proponent for its efforts to promote sustainable development and encourage further consideration of sustainable design measures as project design proceeds.

### Mitigation

The FEIR includes a chapter on mitigation and draft Section 61 findings for the MHD and DEP permits. Mitigation commitments described in the FEIR include:

#### Transportation

- Roadway and intersection improvements at an estimated cost of \$1,650,000 (North Street at Chestnut Street; Route 140 at Chestnut Street; and Route 140 at North Street and Parcels F2-B/I driveway);
- Traffic signal timing and phasing plan (Chestnut Street at Mechanic Street) at an estimated cost of \$2,500;
- Stop sign and stop lines at an estimated cost of \$4,000;
- Sidewalk and pedestrian promenade areas on and off-site at an estimated cost of \$250,000;

- Traffic monitoring program at an estimated cost of \$15,000 annually; and
- A Transportation Demand Management (TDM) Program.

Other mitigation proposed in the FEIR includes:

- Stormwater management system with on-site recharge;
- Wastewater reuse;
- Water leak-detection program;
- **Ecological landscape design**, including an Integrated Pest Management plan;
- Energy-efficient fixtures and appliances;
- Construction Pollution Prevention Plan (estimated cost of \$5,000); and
- Restoration of existing buildings, photographic documentation, construction BMPs and other measures to protect and preserve historic and architectural resources.

I am satisfied that the Final EIR adequately assessed potential project impacts and committed to measures that will avoid, minimize and mitigate adverse impacts. I am satisfied that any outstanding issues can be addressed through the state and local permit and review process. State agencies should forward copies of the final Section 61 Findings to the MEPA Office for completion of the project file. The proposed project requires no further review under MEPA and may proceed to state permitting.

July 28, 2006

DATE

  
Stephen R. Pritchard, Secretary

#### Comments Received

7/21/06 Department of Environmental Protection, Southeast Regional Office  
7/25/06 Executive Office of Transportation, Office of Transportation and Planning,  
Public/Private Development Unit

SRP/AE/ae