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August 15, 2008

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

PROJECT NAME : Ron Bouchard's Auto Sales and Proposed Commercial Development  
 PROJECT MUNICIPALITY : Lancaster  
 PROJECT WATERSHED : Nashua  
 EOE NUMBER : 14228  
 PROJECT PROPONENT : **Ron Bouchard's Auto Sales**  
 DATE NOTICED IN MONITOR : July 9, 2008

As Secretary of Environmental Affairs, I hereby determine that the Draft Environmental Impact Report (DEIR) submitted on this project is **adequate and properly complies** with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00). The proponent requested that I review the DEIR as a Final EIR (FEIR). The proponent has addressed the substantive issues outlined in the scope and there are no substantive issues that remain to be addressed in a Final EIR. Therefore, I am allowing the DEIR to be reviewed as a Final EIR in accordance with 301 CMR 11.08(8)(b)(2).

The proposed Ron Bouchard's Auto Sales and Proposed Commercial Development project (Bouchard Auto Sales) involves the development of a 98,154-square foot (sf) auto dealership comprised of four separate buildings on a 29.5-acre parcel located off Old Union Turnpike Road (also known as Leominster-Harvard Road) in Lancaster. The project will include construction of 371 surface parking spaces for employee and customer parking and new vehicle inventory. The project site is located on the southern side of the Old Union Turnpike Road abutting the eastern property line of the Lancaster Golf Center (EEA#14220). The southern and eastern portions of the site are bordered or contain bordering vegetated wetlands (BVW).

The project will involve the construction of two new site drives, associated utilities, stormwater management infrastructure, retaining walls, grading, the construction of a private on-site Title 5 wastewater treatment system, and two water supply wells. Increased storm water runoff rates and volumes will be controlled through the proposed stormwater management system with the use of Best Management Practices that comply with the Department of Environmental Protection's (MassDEP's) stormwater management policies and standards. Sedimentation and erosion control measures will be implemented to manage stormwater runoff and minimize erosion during construction. The proponent has outlined proposed mitigation measures that will mitigate anticipated increases in traffic trips associated with the proposed project.

This project is subject to a mandatory EIR pursuant to Sections 11.03(1)(a)(2), of the MEPA regulations because it will create ten (10.8 acres total) or more acres of impervious area. The project will require a Water Supply permit, a Pump Test permit, a Major Groundwater Discharge permit and an Approval to Construct a Water Treatment Facility from the MassDEP. It must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over one acre. An Order of Conditions has been issued by the Lancaster Conservation Commission for work within wetland resource areas.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that may have significant environmental impacts and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction exists over land alteration and water supply.

#### Future Development

The Bouchard Auto Sales project site was originally part of a 105-acre development parcel containing 75 acres of land owned by M. B. Realty Corporation (MB Realty) and 28.4-acres of land owned by Bouchard Auto Sales located adjacent to and west of the MB Realty land. As described in the DEIR, MB Realty and Bouchard Auto Sales completed a reconfiguration and transfer of their respective properties that provided MB Realty with a revised 75-acre parcel and Bouchard Auto Sales with a 29.5-acre project site located adjacent to and east of the MB Realty land. According to conceptual plans provided in the DEIR, the remaining 75-acre MB Realty development parcel (future development parcel) may be further subdivided to form three abutting development parcels (Lot 4, Lot 5 and Lot 6) with frontage on Old Union Turnpike Road. The future development on these parcels may include a truck sales and service center, a lime supply and distribution facility, a 58,270 sf office building, a 100-seat (5,100 sf) restaurant, and approximately 600 surface parking spaces.

The 75-acre MB Realty development parcel contains an extensive system of wetland resource areas. According to the information provided to the MEPA Office from MassDEP and the Lancaster Conservation Commission, M.B. Realty Corporation received an Order of Conditions from the Lancaster Conservation Commission for a wetland crossing related to MB Realty's construction of a 1,800 lf site driveway to serve Lot 6.

I am requiring that a Notice of Project Change (NPC) be filed with the MEPA Office for any future development proposal that may be proposed for MB Realty's 75-acre future development parcel. The NPC will need to discuss both the potential cumulative impacts to water supply, wastewater, wetlands, stormwater and site planning issues arising out of the full build-out (allowable as-of-right under current local zoning) of the MB Realty future development parcel, and the proposed Bouchard Auto Sales project. When considering the future full build-out of the MB Realty future development parcel, it is likely that it will meet MEPA reporting thresholds (at a minimum) related to land alteration and impervious surfaces. Depending upon the status of planning for this future development parcel, the NPC should function as a "master plan" to guide its layout and development along this section of the Old Union Turnpike Road corridor in a manner that minimizes overall impacts. MB Realty may wish to consult further with the MEPA Office on the appropriate scope and timing of further review.

#### Wetlands/Drainage

As currently designed, the project will not result in any impacts to wetland resource areas including BVW, Bordering Land Subject to Flooding (BLSF) or Riverfront Area (RA). The proponent has received an Order of Conditions from the Lancaster Conservation Commission for the project. I note that the project will result in direct impacts to wetland buffer zone located primarily along the project site's eastern boundary.

#### Stormwater

According to the Proponent, the project's stormwater management plan has been designed to meet MassDEP's Stormwater Management Regulations. The proposed stormwater management system includes deep-sump catch basins, water quality units and subsurface detention basins to achieve a Total Suspended Solids (TSS) removal rate of greater than 80 percent and provide for the on-site infiltration of a portion of the project's on-site surface stormwater and roof runoff. The proposed stormwater management system also includes the construction of two stormwater detention basins with forebays to be located in the southern portion of the project site.

I encourage the Proponent to continue to evaluate opportunities for incorporating sustainable design alternatives including Low Impact Development (LID) techniques in the project's site design and stormwater management plans. LID techniques incorporate stormwater best management practices (BMPs) and can reduce impacts to land and water resources by conserving natural systems and hydrologic functions. The primary tools of LID are landscaping features and naturally vegetated areas, which encourage detention, infiltration and filtration of stormwater on-site. Other tools include water conservation and use of pervious surfaces. Clustering of buildings is an example of how LID can preserve open space and minimize land disturbance. LID can also protect natural resources by incorporating wetlands, stream buffers and mature forests as project design features. For more information on LID, visit <http://www.mass.gov/envir/lid/>. Other LID resources include the national LID manual (Low Impact Development Design Strategies: An Integrated Design Approach), which can be found on the EPA website at: <http://www.epa.gov/owow/nps/lid/>.

### Water Supply

The project will include the development of two new water supply wells, water pumps, storage tanks and approximately 3,000 lf of 8-inch water mains to be located within the MB Realty's abutting 75-acre future development parcel, to provide potable water supply for the proposed auto center development project and the MB Realty future development parcel. According to the comments received from MassDEP, the proposed withdrawal flow rates for each of the proposed wells are currently under review, and will be determined upon the pump test results and the final design plans and water supply demands for the auto center project and the build-out of the MB Realty future development parcel. The Proponent must provide MassDEP with additional information pertaining to the ownership and control of the Zone I wellhead protection areas associated with these new water supply wells. Considerations for water conservation should be made through the investigation of xeriscaping opportunities associated with on-site landscaping. The Proponent must identify the potential use of on-site irrigation, including estimated water demand for irrigation purposes. In its comment letter, MassDEP has indicated that any future development activities proposed for the 75-acre future development parcel that will be served by the proposed new water supply wells will require MassDEP's approval to increase the approved rate of the Proponent's water supply system.

### Wastewater

The ENF indicates that the Bouchard Auto Sales project will generate approximately 9,867 gallons per day (gpd) of wastewater. The project's wastewater flows will be served by new individual private on-site wastewater treatment system to be located on-site in accordance with Massachusetts Title 5 regulations.

### Traffic

The Proponent has prepared a Traffic Impact and Access Study (TIAS) in accordance with Executive Office of Energy & Environmental Affairs (EEA)/Executive Office of Transportation and Construction (EOTC) guidelines. Using the Institute of Transportation Engineers (ITE) Trip Generation manual's land use code 841 (New Car Dealership), the Proponent estimates a total of 3,270 vehicle trips per day (vtd) associated with the proposed Bouchard Auto Sales project. The main access to the site will be provided via two new site drives including a two-lane (westerly) site drive located on Old Union Turnpike Road and a single-lane site drive located approximately 500 feet east on Old Union Turnpike Road. The Proponent has outlined a transportation mitigation program to address potential project-related traffic impacts to project area roadways and intersections including:

- Construction of a short right-turn lane for the eastbound approach;
- Widening approximately 450 lf of Old Union Turnpike Road on the westbound approach to the project site drive to allow for a by-pass lane;
- Re-timing of the existing signalized intersection traffic signal;
- Install signage and a STOP bar marked at the site access driveway approach to Old Union Turnpike Road; and,
- Contribute \$50,000.00 to the Town of Lancaster towards the cost of improving the Route 70/Old Union Turnpike Road intersection.

### Construction Period

The proponent should consider participating in MassDEP's Clean Construction Equipment Initiative / MassDEP Retrofit Program consisting of an engine retrofit program and/or use of low sulfur fuel to reduce exposure to diesel exhaust fumes and increase the removal of particulate matter (PM) by approximately 25 percent beyond that which can be removed by retrofitting diesel-powered equipment. All construction-related refueling and equipment maintenance activities should be conducted under cover on impervious surface areas with containment, and outside of any wetlands resource areas, endangered species habitat areas, residential areas and wellhead protection areas.

### Sustainable Design

I continue to encourage the proponent to incorporate sustainable design elements into the project design. The basic elements of a sustainable design program may include, but not be limited to, the following measures:

- 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;
- Use of 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 into building design;
- Development of a solid waste reduction plan;
- Development of an annual audit program for energy consumption, waste streams, and use of renewable resources;
- LEED certification; and
- Water conservation and reuse of wastewater and stormwater.

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### Mitigation/Section 61


The DEIR presents a Draft Section 61 Finding for the MassDEP Sewer Extension Permit that includes mitigation commitments covering areas of impact. I anticipate that the permitting process will provide an opportunity to incorporate any needed additional detail and clarification to the proponent's mitigation commitments. The Section 61 Findings must contain a detailed description of any/all proposed mitigation/ improvements to wastewater management and traffic, and must include estimates of the individual costs of the proposed mitigation/improvements, identification of the parties responsible for implementing the mitigation, and a schedule for their implementation based on the proposed phased construction for the project. The Final Section 61 Findings will be included with all state permits issued for this project, and will be considered binding upon the proponent as mitigation commitments.

Conclusion

The DEIR 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. I am allowing the DEIR to be reviewed as a Final EIR in accordance with 301 CMR 11.08(8)(b)(2). The availability of the Final EIR will be noticed in the August 27, 2008 issue of the Environmental Monitor and subject to a 30-day public comment period, after which I will issue a Certificate on the Final EIR.

August 15, 2008

Date



Ian A. Bowles, Secretary

## Comments Received:

07/08/08      Cara Sanford  
07/29/08      **Department** of Environmental Protection (MassDEP) – CERO  
08/01/08      Montachusett Regional Planning Commission

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