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August 17, 2007

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

PROJECT NAME:	Berkshire Gateway at Lee
PROJECT MUNICIPALITY:	Lee
PROJECT WATERSHED:	Housatonic
EOEA NUMBER:	13905
PROJECT PROPONENT:	F.L. Roberts & Co.
DATE NOTICED IN THE MONITOR:	July 11, 2007

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

Project Description

As outlined in the FEIR, the project consists of the redevelopment of the former "Diesel Dan's" truck stop off Route 102 in Lee, MA immediately south of the Route 20 intersection near Interchange #2 of the Massachusetts Turnpike. The subject property consists of three separate contiguous parcels; two are currently residential and one is commercial, with a combined area of 8.0 acres. The proponent intends to raze the existing structures and redevelop the site with a 93-room hotel, a 210-seat restaurant, a convenience store, a 2-bay car wash, and a refurbished gasoline service station and truck fueling facility. The Housatonic River is the western border of the site and almost the entire site is located within the floodplain. The site has been impacted by

numerous releases of oil and/or hazardous materials and is classified as a Tier 2 site under Chapter 21E and is regulated under the Massachusetts Contingency Plan (310 CMR 40.00). The site has an Activity and Use Limitation (AUL) attached to its deed.

### Jurisdiction

The project is undergoing environmental review and is subject to the preparation of a Mandatory EIR pursuant to Sections 11.03(6)(a)(6) of the MEPA regulations because it will result in the generation of 3,000 or more new average daily trips (adt) on roadways providing access to a single location. The project also meets an ENF review threshold at 301 CMR 11.03(3)(b)(1)(f) for the alteration of greater than ½ an acre of “any other wetlands” (Riverfront Area). The project is located within the habitat of a species state-listed as “Special Concern” pursuant to the Massachusetts Endangered Species Act (MGL c. 131A).

The project will require a NPDES Construction General Permit; an Access Permit from the Massachusetts Highway Department (MHD); review from the Division of Fisheries and Wildlife (DFW) Natural Heritage and Endangered Species Program (NHESP); an Order of Conditions (OOC) from the Lee Conservation Commission (and hence a Superceding OOC from MassDEP if the local Order is appealed); Site Plan Review from the Lee Planning Board; and a Special Permit and Floodplain Special Permit from the Lee Zoning Board of Appeals.

Because the proponent is not seeking financial assistance from the Commonwealth, MEPA jurisdiction is limited to the subject matter of required or potentially required state permits and/or review. In this case, MEPA jurisdiction extends to stormwater, wetlands, rare species, traffic and hazardous waste.

### MEPA History

In October of 2006 the proponent submitted an Expanded ENF (EENF) with a request that the Secretary of Environmental Affairs grant a waiver from the requirement to prepare an Environmental Impact Report (EIR) for the project. The proponent’s waiver request was based on the argument that the Mandatory EIR threshold at 301 CMR 11.03(6)(a)(6) - generation of 3,000 or more new average daily trips (adt) - would be exceeded on Saturdays only and that trip generation estimates for the project did not account for internal or pass-by trips. The proponent also requested that it be allowed to fulfill its EIR obligations under MEPA with a Single EIR rather than the usual process of a Draft and Final EIR in the event that the request for an EIR Waiver was not granted. The Secretary’s Certificate dated December 15, 2006 determined that the EENF did not meet the standards for a full EIR Waiver or a Single EIR. The Proponent submitted the Draft EIR in March of 2007. On May 11, 2007 I issued a Certificate on the Draft EIR stating that it was adequate and directed the proponent to prepare the Final EIR for review.

## Review of the DEIR

The purpose of MEPA review is to ensure that a project proponent studies feasible alternatives to a proposed project; fully discloses environmental impacts of a proposed project; and incorporates all feasible means to avoid, minimize, or mitigate Damage to the Environment as defined by the MEPA statute. I have fully examined the record before me, including but not limited to the Scope issued on May 11, 2007, the FEIR filed in response; and the comments entered into the record. I find that the FEIR is sufficiently responsive to the requirements of the MEPA regulations and the Scope to meet the regulatory standard for adequacy.

While I am finding the FEIR to be adequate, I note concerns about the density of uses on this site and concerns that the FEIR is unresponsive to the Scope for alternatives outlined in the Certificate on the DEIR. I find however that the Proponent has adequately assessed the potential impacts of the project and has committed to measures that will avoid, minimize and mitigate adverse impacts. In addition, the proposed project includes many improvements to a currently degraded and impacted site. I strongly encourage the Proponent to continue to work with the Berkshire Regional Planning Commission (BRPC), the Town of Lee and interested citizens to minimize the traffic impacts of the project and to ensure sensitive environmental receptors in the vicinity of the site are protected during and after construction.

## Alternatives

In the DEIR, the Proponent presented the No-Build alternative, the Preferred Alternative, a reduced-build Alternative, and two other Alternatives featuring different site layouts. Each of the alternatives presented in the DEIR had certain common elements including locating fueling facilities in the northeast corner of the property; the development of a four-story, 93 unit hotel with a minimum of 105 parking spaces; the construction of a 6,500 sf restaurant with a minimum of 82 parking spaces; and the segregation of truck traffic from pedestrian and vehicular traffic. The FEIR provided an updated and expanded analysis of alternative project lay-outs in response to the Certificate on the DEIR.

In addition to the Preferred and No-Build alternatives, the Proponent presented a modified version of the Preferred Alternative, in which all snow storage and above-ground stormwater facilities are moved out of the Riverfront Area while keeping other elements of the project approximately the same. The Proponent asserts in the FEIR that proposed fueling stations have always been located outside of the Riverfront Area, as documented in the ENF and DEIR. Under this alternative, the detention basin is replaced by an underground stormwater storage system. The subsurface detention basin is located outside of the AUL area, but still in the Riverfront Area. The area formerly occupied by the detention basin would be restored under a Riverfront Restoration Plan. The Proponent states that under this alternative, approximately 25% to 30% of the paved surfaces could not be reasonably treated by stormwater management practices due to the grade differential between the subsurface system and the westerly 1/3 of the site.

The Proponent also evaluated a Reduced Build alternative, which is generally the same as the Preferred Alternative but the restaurant and associated parking spaces have been eliminated to reduce the project's density. Several truck parking spaces were also removed. These changes allow the hotel to be relocated further from the Housatonic River than in the Preferred Alternative. The Proponent asserts in the FEIR that this alternative is not practicable because the restaurant and hotel are considered inseparable uses, and that there is a high demand for all of the proposed uses on site in the vicinity of the interchange. Nevertheless, I encourage the Proponent to continue to explore other opportunities to reduce the density of uses on site during the local review process.

The Proponent states that the No Build alternative has the greatest impacts as it offers no mitigation for previous disturbances and no site improvements. The existing site has been heavily impacted in the past and does not have any stormwater management facilities. The Preferred Alternative and the Reduced Build Alternative result in additional wetland and traffic impacts, however the Proponent intends to implement stormwater Best Management Practices (BMPs), create a Riverfront Restoration Area and provide transportation improvements to mitigate for unavoidable impacts. According to the Proponent, another benefit of the Preferred Alternative is that grouping the proposed uses on one site eliminates roadway traffic that would otherwise have to travel from one use to another if they were located on separate sites.

#### Land Alteration/Drainage

There are no stormwater management treatment facilities at the site currently. The project will result in the creation of 0.9 acres of new impervious surface at the project site. According to the FEIR, runoff from the site has been divided into two watersheds: northerly and southerly. The proponent asserts that the southerly portion of the site may be considered redevelopment under MassDEP's Stormwater Management Policy (SMP) because no new impervious surface is being added. However, the project's stormwater management system has been designed to meet all of the standards of the SMP as if the entire site were new development.

The proposed drainage system within the northerly watershed will include deep-sump hooded catch basins, piping, a forebay, a dedicated oil/water separator, 200 feet of water quality swale, and a detention basin. The proposed drainage system within the southerly watershed will include deep-sump hooded catch basins, piping, a Stormceptor water quality unit, water quality swales, and a grassed drainage swale outfall. The detention basin in the northerly watershed has been sized to reduce peak runoff rates for the entire site. The Proponent states that the confined land area at the site makes it difficult to construct a detention basin for each watershed, and that the northerly location is better suited for a detention basin because of an existing drainage outfall pipe located there.

The detention basin will share its outfall with an existing 36" concrete drain pipe, which conveys runoff into the river from public roadways. The outfall is set back approximately 25 feet from the edge of the Housatonic River and therefore no new encroachments into the river are necessary for the new drainage at the northerly outfall location. The design calls for the

placement of large rip-rap to repair scouring that has occurred over the years at this outfall and to prevent new scour from occurring. The plan also calls for check valves in the new outfall pipes to prevent rising river waters from surcharging the detention basin.

The outlet pipe at the forebay will be fitted with a flap valve on one end and a tethered plug on the other. This valve is intended to trap larger spills of fuel in the event that a spill occurs. Each catch basin will also be fitted with oil/water separators. Since the filing of the DEIR, the stormwater management system has been revised to include a dedicated oil-water separator that will be installed in the truck parking area. The grades of the parking surface have been modified to accommodate the structure.

In response to concerns regarding the siting of the detention basin in the Riverfront Area, the Proponent considered several alternatives to the proposed forebay/detention system in the FEIR. One alternative is a series of plastic infiltrators laid end-to-end under the paved surface. These infiltrators can store and release drainage much the same as a detention basin while providing infiltration directly into the ground. These systems are generally reserved for sites where a limited area of land is available beyond the parking surfaces. In the case of this project, a total of 247 chambers (1,850 linear feet) would be necessary to provide an equivalent volume of storage as the proposed conventional basin shown in the DEIR. The Proponent concludes that this type underground system is not well suited to this particular site and that the benefits of this underground system do not outweigh the significant cost of installation.

The FEIR provided an expanded discussion of compliance with MassDEP's SMP Standard #5 which refers to land uses with higher potential pollutant loadings. Both the northerly and southerly halves of the site will be required to comply with this standard. Stormwater management within such areas is required to include source reduction and pretreatment. According to the FEIR, source reduction will be accomplished through the implementation of a comprehensive Spill Prevention Control & Countermeasures Plan and by designated snow storage areas that force melt water into one or more of the pre-treatment best management practices (BMPs). Pre-treatment will be provided by the proposed deep-sump catch basins, forebay and water quality swale in the northerly portion of the site. In addition, the detention basin in this portion of the site will be lined as required by MassDEP.

The Proponent provided an updated Operations & Maintenance (O & M) Plan for the stormwater management system that outlines routine maintenance and inspection procedures for the project site. The proponent expects that the Lee Conservation Commission will reference the O & M Plan in the Order of Conditions for the project. In response to comments from MassDEP, the updated O & M Plan outlines tasks and responsibilities for oil/water separator inspections and specifies the use of high-efficiency street sweepers. Snow storage areas have been designated in locations where snow melt will be treated by one or more BMPs before entering the receiving waters of the Housatonic River.

The proponent has incorporated several Low Impact Development (LID) measures into the project design including over 1,000 feet of new grassed swales; the installation of parking and roadway edges without curbs to permit runoff to flow across new vegetative strips to

facilitate infiltration; groundwater infiltration chambers; and the restoration of 55,000 sf of Riverfront Area.

### Wetlands/Waterways

The project site contains the following resource areas protected under the Wetlands Protection Act (WPA): Bank, Bordering Vegetated Wetlands (BVW), Land Subject to Flooding, and Riverfront Area. Since the submittal of the DEIR, the Proponent has re-delineated the wetland boundaries at the site. The revised delineation revealed an expansion of BVW resources. As a result of the new boundary, the project will result in the alteration of 1,125 sf of BVW and the replication of 3,000 sf of wetland in proximity to the area of alteration. The revised plans will be submitted to the Lee Conservation Commission and MassDEP as part of the ongoing WPA permitting process.

The proposed drainage design for this portion of the site has also been modified. The previously proposed constructed stormwater wetland is no longer proposed due to the lack of available upland. Instead, the Proponent will install a stormceptor with a water quality swale outlet. The Proponent should note comments from MassDEP regarding information about the proposed stormceptor unit that needs to be provided to the Lee Conservation Commission. The Proponent will add approximately 125 linear feet of curb along the edge of pavement adjacent to the proposed replication area. Runoff will now follow the curb line in this area in a southerly direction until it reaches the water quality swale outlet. As a result of the revisions to the plans, the work proposed on the southerly drainage outfall is no longer below the Mean Annual High Water level and therefore does not require the filing of a 401 Water Quality Certificate. The Proponent has clarified permitting requirements with MassDEP.

A significant portion of the site and proposed area of construction is located in Bordering Land Subject to Flooding (BLSF). The project will result in approximately 93,205 cubic feet (cf) of lost flood storage. This will be mitigated by providing 110,116 cf of on-site compensation. In response to comments submitted on the DEIR, the Proponent conducted a detailed ground survey and analysis to calculate the cuts and fills that would result from proposed grading. The proposed grades were adjusted until the cuts equaled or exceeded the fills at each 1-foot elevation increment, pursuant to the WPA performance standards for BLSF. The Proponent notes in the FEIR that gasoline fueling islands will be located outside of the floodplain.

The project site contains 161,000 sf of Riverfront Area. Of that amount, approximately 131,000 sf or 81% is considered degraded. Upon completion of the project, the amount of degraded area will be less than what exists today. The Proponent will improve the Riverfront Area by creating a new 55,000 sf planting corridor that will contain a 3,000 sf Riverfront restoration area. In addition, an area along the river that is currently gravel and asphalt paving area will be restored as a natural corridor. The proposed restoration area will result in a significant improvement over conditions at the site currently. The Proponent has revised the proposed planting list for the Riverfront Area to include native species suitable for planting in riparian areas as recommended by the Massachusetts Riverways Program. The Proponent should

continue to resolve BRPC's concerns on proposed Riverfront Area restoration during the local wetlands permitting process. I also encourage the Proponent to consult with the Lee Land Trust on plans to create a Lee Riverwalk.

### *Waterways*

The proponent has submitted a Request for Determination (RDA) to MassDEP's Waterways Program to determine whether a Chapter 91 License is required for the proposed drainage outfalls. According to the proponent, the outfalls will not extend into the river, nor will they impede navigation. The proponent has received verbal notification from MassDEP that a Ch. 91 permit is not required. Since the submittal of the DEIR, the Proponent has submitted revised plans to MassDEP to update its Request for Determination for a Chapter 91 license. The Proponent has not yet received a response from MassDEP.

### *Erosion Control*

The proponent submitted a Detailed Erosion and Sedimentation Control Plan with the DEIR. The project will also require the preparation of a Stormwater Pollution Prevention Plan (SWPPP) under the NPDES program prior to construction. The Erosion Control Plan calls for the installation of grassed swales, a temporary sediment basin and silt fences along the river prior to construction. The proponent is committed to using dust suppression measures that will not negatively impact the river. The Proponent has also committed in the FEIR to implement erosion control measures suggested by NHESP in their comments on the DEIR.

### Rare Species

A portion of the project site is located within the habitat of the Longnose sucker (*Catostomus catomus*), which is protected pursuant to the Massachusetts Endangered Species Act (MESA). In their comments on the EENF, the NHESP indicated that its primary concern with the proposed project is related to the potential degradation to the water quality, quantity or temperature of the Housatonic River. The proponent has coordinated with NHESP on the project's stormwater management system to design a system that minimizes impacts to Longnose sucker habitat. The proponent has applied to the NHESP for review under the Massachusetts Endangered Species Act (MESA). NHESP will render a final decision as to whether a Conservation and Management Permit will be required after the project has completed the MEPA process.

### Wastewater

The project is anticipated to generate 12,092 gallons per day (gpd) of wastewater for a total flow of 19,495 gpd when added to the site's existing 7,403 gpd. The project will receive water and wastewater treatment from municipal connections. The Town of Lee's Municipal Wastewater Treatment Plant is presently undergoing a major reconstruction effort to improve its

treatment ability and improve capacity. The proponent submitted a letter from the Town of Lee Department of Public Works in the DEIR stating that the Municipal Treatment Plant and receiving sewers adjacent to the project site have sufficient capacity to accommodate the new flows. In accordance with recently revised MassDEP Sewer Extension/Connection Regulations (314 CMR 7.00), no sewer connection permit is required for the project. Because the anticipated flows will exceed 15,000 gpd, the proposed sewer connection requires a MassDEP Certification (BRP WP 73) to be submitted within 60 days after commencement of use of the connection.

In response to concerns regarding the management of wastewater and runoff from the proposed car wash, the Proponent will install floor drains that will tie directly into an oil/water separator before discharging into the receiving sewer pipe. The proposed car wash will be equipped with water-efficient equipment and will recycle approximately 15% of water in the wash cycle.

### Transportation

The project is expected to generate 2,972 new average daily trips (adt) on weekdays and 3,698 adt on an average Saturday. The proponent submitted a Traffic Impact and Access Study (TIAS) for the project with the EENF. Comments from the Executive Office of Transportation (EOT) on the EENF indicated that the study was prepared in conformance with Executive Office of Environmental Affairs (EOEA)/EOT Guidelines for Traffic Impact Assessments. In the FEIR, the Proponent responded to specific comments related to traffic impacts that were submitted on the DEIR. The TIAS was updated to reflect revised baseline conditions associated with peak season traffic.

The access plan for the proposed development includes utilization of the two existing driveways serving the site today as well as the addition of a third access drive. The new access drive is proposed along Route 102 opposite Tyringham Road and will serve as the main entrance to the site. This drive will also provide egress to truck traffic destined for Route 102 northbound including Route 20 and the MassPike and for truck traffic approaching along Route 102 northbound from Stockbridge and points west of the site. The existing truck "entrance only" driveway will be retained as is, primarily for access to the truck fueling area, the passenger fueling area and convenience store. "Entrance Only" and "No Exit" will be installed at this drive to alert motorists of the travel patterns through the site. The existing rear access drive located off Old Pleasant Street will be retained and used as a secondary access/egress drive for the proposed hotel, restaurant and truck service.

The project is not expected to significantly impact study area intersections, with the exception of Route 102 at Tyringham Road. This intersection will be modified from the current three-way intersection to a four-way intersection with the new leg serving as the main driveway serving the site. In the DEIR, the Proponent proposed to signalize the intersection of the main site driveway to accommodate entering and exiting site traffic as well as serving traffic along Tyringham Road. In their comments on the DEIR, EOT/MHD stated that the intersection of Route 102/Tyringham Road/Site Entrance drive did not meet signal warrants and recommended



that the driveway continue to operate under STOP control. According to the FEIR, once seasonal peak traffic numbers are applied to the TIAS, signalization of the intersection is warranted under 2011 Peak Season Build Conditions. EOT/MHD has stated in comments on the FEIR that the intersection still does not meet the warrant for a signal, and that it should remain unsignalized. While the FEIR is responsive to the Certificate on the DEIR requesting additional consideration of seasonal peak factors, MHD is the permitting authority with jurisdiction over the state highway in the vicinity of the project, and therefore mitigation commitments for traffic impacts must be changed.

Specifically, the Proponent should commit to the following:

- The intersection of Route 102/Tyringham Road/Site Entrance drive should operate under STOP sign control.
- Route 102 in both directions should have one exclusive right lane with one shared through/right lane;  
The Site Drive/Tyringham Road should have one exclusive right land and one shared through/left land. The Proponent should bury traffic signal conduit at the intersection in the event that a signal becomes warranted in the future.
- The Proponent should commit to perform 24-hour ATR approach counts and manual turning movement counts two years after the project has reached full build. At that time, another signal warrant analysis should be performed to determine if one is warranted.

The Proponent also responded in the FEIR to concerns regarding safety at the fast-food restaurant drive-thru and at the pass-by lane on the west side of the convenience store and the driveway from the restaurant. The Proponent states that continued evaluation of the internal travel accommodations will be conducted as part of the site plan review process. The Proponent should carefully consider whether the site layout can accommodate necessary vehicle queues for traffic waiting to exit the site given that no signal will be installed at the main site drive.

In its comments on the DEIR, the BRPC voiced concerns regarding the safety of motorists at the entrance-only access point off Route 102 into the site due to the proximity of this site drive to the merge point of Route 20/102. The MEPA office has consulted with MHD on this issue; MHD does not share BRPC's concern about the use of this site drive. If this access point is required to be eliminated as a result of further permitting decisions, the traffic analysis and site design would need to be modified accordingly. It is likely that this change would require the filing of a Notice of Project Change (NPC) with MEPA.

The Berkshire Regional Planning Commission has submitted detailed and thoughtful comments on the information provided in the DEIR and FEIR on the project's traffic impacts. The Proponent should continue to respond to these concerns, as appropriate, during the MHD and Planning Board review of the project. MHD has informed MEPA that issues related to the site drive intersection can be addressed during the Access Permit application process. I concur with this view and find that the information in the FEIR is generally adequate for purposes of enabling MHD to continue on to permitting review.

*Pedestrian and Bicycle Accommodations*

Sidewalks throughout the site will provide for internal trip sharing between uses. Sidewalks from within the project site are proposed to extend out to Route 102 and connect to the public sidewalk system which is located along Route 102 on both sides of the roadway north of the main site drive and along the north side of Tyringham Road. In the event that signalization at the main site drive intersection with Route 102 and Tyringham Road does not move forward immediately, the project proponent will provide pedestrian provisions including a crosswalk and handicap ramps at the intersection. Crosswalks will also be provided across Tyringham Road to provide access from the Jacob's Ladder Trail parking area to the trail itself.

MassHighway was recently made major improvements to Housatonic Street/Route 20 from the MassPike Exit to the center of Lee. Pedestrian use and the safety of pedestrians and cyclists has been a priority of this project, and the Proponent should ensure that pedestrian and bicycle safety and connections are also a priority of the Berkshire Gateway project. The Proponent should note specific comments submitted on this issue by the BRPC.

According to the FEIR, the Proponent is committed to working with the Berkshire Regional Transit Authority (BRTA) and MassHighway during the design of off-site mitigation measures to include provisions for bus stop accommodations. The Proponent will provide a bus stop with a pull-out and shelter on the north side of Route 102 near the main site driveway. The Proponent does not own property along the south side of Route 102 but will extend efforts to include bus provisions as part of the intersection redesign.

The Proponent states that improvements to the intersection of Route 102 at Tyringham Road and the proposed site drive will not adversely impact the parking area long the south side of Route 102. According to the FEIR, the proposed widening will have no negative impacts on the provisions for pedestrian facilities, bike lanes, bus service or shoulders along the outside surface of the travel lanes. The reconstruction of the Route 102 intersection with Tyringham Road will be constructed to include bicycle lane accommodations as determined feasible within the highway right-of-way. A BRTA bus stop can be installed within the shoulder as currently provided along other sections of Route 102.

Hazardous Waste Issues

The Project site has been the subject of extensive investigations for the purpose of identifying hazardous materials at the site. A portion of the project site is subject to an Activity and Use Limitation (AUL). The Proponent submitted a copy of the AUL as an appendix to the FEIR. The AUL boundary completely encompasses the proposed truck fueling islands and partially encompasses the car fueling islands. The FEIR provided an outline of construction activities and associated safety precautions for work in the AUL area. The Proponent specifically outlined measures that would be implemented during the installation of drain and sewer lines to prevent migration of groundwater.

## Mitigation

The FEIR presents a separate chapter on mitigation and Section 61 Findings for use by MassDEP for a possible Superceding Order of Conditions and by NHESP for possible review under MESA. The FEIR also includes language for a Letter of Commitment for use by MassHighway. The Proponent commits to the following mitigation in the FEIR:

- The project will impact approximately 1,125 sf of BVW. The Proponent will construct a 3,000 sf replication area adjacent to the proposed work.
- The project will result in approximately 93,205 cubic feet (cf) of lost flood storage. This loss will be mitigated by providing 110,116 cf of on-site compensation.
- No new Riverfront Area will be altered as a result of the project. To provide improvements over existing conditions, approximately 55,000 sf of riverfront enhancement will be created.
- The Proponent will install stormwater management structures to prevent degradation of water quality including deep-sump catchbasins with oil/water separators, water quality swales, a forebay, a detention basin, a Stormceptor and infiltration measures. These BMPs will result in a Total Suspended Solid (TSS) removal rate of more than 80%.
- The Proponent will install fuel containment devices, including catch basins fitted with oil/water separators, a separate oil/water separator in the truck parking area, and a forebay fitted with a capping device.
- The Proponent will install fencing along the perimeter of the parking lot near the proposed detention basin to collect wind-blown trash and to discourage illegal dumping in resource areas.
- The Proponent has developed an Emergency Spill Prevention Control & Countermeasure Plan to respond to fuel spills.
- The Proponent has developed and will implement an Operations & Maintenance Plan for the stormwater management system that outlines maintenance of structural BMPs and specifies the frequency and type of non-structural BMPs such as street sweeping.
- The Proponent has developed and Erosion and Sedimentation Control Plan, and will implement a Stormwater Pollution Prevention Plan in advance of construction.
- The Proponent will implement measures to minimize thermal impacts to the Housatonic River, including groundwater recharge, extensive landscaping and riparian zone restoration.

MassDEP has indicated in their comments on the FEIR that the proposed Section 61 Finding for the project adequately addresses the potential environmental impacts associated with MassDEP permits.

The proponent is also committed to implementing the following traffic mitigation as outlined in the Draft Letter of Commitment for MassHighway:

- The Proponent will design and construct improvements to the intersection of Route 102 at Tyringham Road as part of the main site drive construction. Geometric improvements to include left turn lanes on all four approaches to the intersection of Route 102 and Tyringham Road. Pedestrian provisions will include crosswalks on Route 102 and Tyringham Road.
- The Proponent will continue to work with the BRTA and MassHighway during the design

phase of off-site mitigation measures. The Proponent will provide a bus stop with a pull-out and shelter on the north side of Route 102 near the main site driveway. The Proponent does not own property along the south side of Route 102 but will extend efforts to include bus provisions as part of the intersection redesign.

Sidewalks throughout the site will provide for internal trip sharing between users. Sidewalks from within the project site are proposed to extend out to Route 102 and connect to the public sidewalk system which is located along Route 102 on both sides of the roadway north of the main site drive and along the north side of Tyringham Road.

- The Proponent will examine the feasibility of providing bicycle accommodations in the design and reconstruction of the Route 102 and Tyringham Road intersection. The Proponent will install power stations at the truck parking field to facilitate compliance with Massachusetts Anti-Idling laws. The power stations provide heating, ventilation and air-conditioning services to truck cabs and energy to operate trailer refrigeration units. The Proponent will install signage identifying the responsibilities of the driver and to educate drivers about the law and encourage use of the power stations.


The Proponent should submit a revised Letter of Commitment to EOT/MHD District 1 updating mitigation measures that will be implemented as part of this project. The Proponent should commit to a traffic monitoring program at the site drive intersection to help determine if a signal is warranted in the future. The Letter of Commitment should include language to ensure that funding or construction of the traffic signal will be the Proponent's responsibility in the event that MHD determines a signal is needed.

### Conclusion

I am satisfied that the proponent, through its various submissions under MEPA, has adequately assessed the potential impacts of the project and committed to measures that will avoid, minimize and mitigate adverse impacts. I am also satisfied that any remaining issues can be addressed through the state and local permitting processes. The proposed project requires no further review under MEPA and may proceed to permitting. The permitting agencies should forward a copy of their final Section 61 Findings to the MEPA Office for completion of the project file. The Proponent should contact the MEPA office if a Chapter 91 License or Conservation & Management Permit is required for the project to determine if a Notice of Project Change (NPC) is required.

Lastly, I commend the Proponent for proactively addressing air quality issues associated with idling trucks. Truck stop electrification can contribute significantly to reducing climate change gases and other air pollutant emissions. The Proponent should consult with Linda Benevides of my staff at (617) 626-1167 as this initiative moves forward.

August 17, 2007  
Date



Ian A. Bowles

Comments received:

8/6/2007      Berkshire Regional Planning Commission  
8/9/2007      SK Design Group, Inc., for the Proponent  
8/10/2007     Concerned Citizens of Lee  
8/10/2007     Department of Environmental Protection, Western Regional Office  
8/10/2007     Berkshire Environmental Action Team  
8/15/2007     Executive Office of Transportation

IAB/BA/ba