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August 25, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE

PROJECT NAME: Avalon Shrewsbury
PROJECT MUNICIPALITY: Shrewsbury
PROJECT WATERSHED: Assabet River
EOEA NUMBER: 13406
PROJECT PROPONENT: Moss Development Inc. (Originally Avalon Bay
Communities, Inc.)
DATE NOTICED IN MONITOR: July 25, 2006

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.10 and 11.11 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) submitted for this project and hereby determine that the project **requires** the preparation of an Environmental Impact Report (EIR). The project is a proposed mixed-use development on a 26.5-acre site located on the south side of Route 20, west of its interchange with Route 9 in Shrewsbury. The project change involves an increase in the size of the non-residential component of the project by 4,820 square feet (sf) and the elimination of 13 residential units.

MEPA History

In November 2004, Avalon Bay Communities, Inc. filed an Expanded Environmental Notification Form (EENF) for a proposed mixed-use development that included 264 residential apartments; 10,000 square feet (sf) of retail space; a 7,000 sf day-care center; and associated internal roadways, parking and utilities. The project was subject to review pursuant to Section 11.03(6)(b)(14) of the MEPA regulations because it

was anticipated to generate more than 1,000 new average daily trips (ADT) and to create more than 150 new parking spaces at a single location. The project required an Access Permit from the Massachusetts Highway Department (MHD); a Sewer Connection Permit from the Department of Environmental Protection (DEP); and an Order of Conditions from the Shrewsbury Conservation Commission. On December 30, 2004, the Secretary of Environmental Affairs issued a Certificate on the EENF stating that the project did not require the preparation of an EIR.

Project Change Description

Since the review of the EENF in 2004, the residential component of the project was reduced in size to 251 units through the local review process. Currently, the proponent no longer considers the day-care center a viable use for the site and has reconfigured the commercial component of the property to include 21,820 sf of retail space including 16,320 of specialty retail space and a 5,550 sf Dunkin Donuts store and bakery. The Dunkin Donuts space includes a 2,600 sf store and a 2,900 sf bakery where products will be made and distributed to other stores. According to the NPC, the addition of the Dunkin Donuts facility will result in a net increase of 1,273 new trips to the site, for a total of 3,740 trips as compared to the 2,467 trips reported in the EENF.

Jurisdiction

As a result of the project change, the total amount of new daily vehicle trips that the project will generate is 3,740; therefore, the project is subject to the preparation of a mandatory EIR pursuant to Section 11.03(6)(a)(6) of the MEPA regulations. A Massachusetts Highway Department Access Permit is required for access to Route 20. The project as described in the EENF also required a Sewer Connection Permit from the Department of Environmental Protection and an Order of Conditions from the Shrewsbury Conservation Commission. The proponent is not seeking financial assistance from the Commonwealth, and therefore MEPA jurisdiction extends to those aspects of the project that may cause significant Damage to the Environment and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction extends to issues of land alteration, stormwater, wetlands, wastewater and transportation.

I acknowledge that many of the potential environmental impacts that could result from the project have already been reviewed at the local and state level. This Certificate lays out a narrow Scope for the Draft EIR (DEIR) that requests more information to demonstrate that the project's additional traffic impacts can be accommodated on the state highway system. If the DEIR resolves the substantive issues outlined below, I will consider the procedural options available to me at 301 CMR 11.08 (8)(b)(2), as they may relate to the Scope for the Final EIR.

SCOPE

General

As modified by this Certificate, the proponent should prepare the DEIR in accordance with the general guidelines for outline and content found in Section 11.07 of the MEPA regulations. The DEIR should include a copy of this Certificate and of each comment letter received. The DEIR should respond to each substantive comment to the extent that it is within MEPA jurisdiction. The DEIR should contain copies of all prior MEPA filings and Certificates. The proponent should circulate the DEIR to those who received the NPC; to those who commented on the NPC; to municipal officials in the Town of Shrewsbury; and to any state and federal agencies from which the proponent will potentially seek permits or approvals. In addition, copies of the DEIR should be made available at the Shrewsbury Public Library.

Project Description

The DEIR should provide a thorough description of the project, including a detailed description of work that has been completed to date. Pursuant to Section 11.07(6)(1) of the MEPA regulations, which requires an identification of all federal, state and local permits to be sought for the project, the proponent should provide a brief description and analysis of applicable statutory and regulatory standards and requirements, and a description of how the project will meet those standards. The DEIR should provide an update on which of these required permits the proponent has been issued, and which have been applied for to date.

Transportation

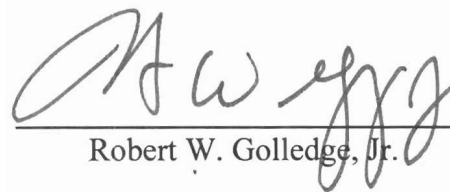
In response to comments from MHD, the proponent should present a revised traffic study in the DEIR that clearly identifies the project's traffic impacts and the mitigation measures required to improve capacity and Level of Service (LOS) at each affected state highway intersection. The proponent should also clarify its methodology for calculating shared and pass-by trips. The proponent should consult with the Executive Office of Transportation (EOT) and MHD for guidance on the traffic study.

During the EENF review, the proponent committed to widening Route 20 to accommodate a second westbound lane and an eastbound deceleration and acceleration lane at the project site drive. In the NPC, the proponent states that the mitigation plan includes widening Route 20 from two lanes to four lanes from Walnut Street to South Street. The DEIR should include a commitment to implement the above-referenced traffic mitigation measures and should describe the timing and cost of their implementation based on project phasing. The proponent should continue to work closely with the MHD District 3 office to ensure that the proposed improvements are designed in accordance with MHD standards.

Mitigation

The DEIR should contain a separate chapter on mitigation measures. It should include Draft Section 61 Findings and a Letter of Commitment for use by MHD that includes a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation, and the identification of the parties responsible for implementing the mitigation. The DEIR should provide a schedule for the implementation of the mitigation, based on the construction phases of the project.

August 25, 2006
Date



Robert W. Golledge, Jr.

Comments Received:

8/17/2006 Executive Office of Transportation

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