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September 7, 2007

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

PROJECT NAME : Sutton Plaza Expansion
PROJECT MUNICIPALITY : Sutton
PROJECT WATERSHED : Blackstone
EOEA NUMBER : 13854
PROJECT PROPONENT : Centerpoint LLC c/o RK Associates
DATE NOTICED IN MONITOR : August 8, 2007

As Secretary of Environmental Affairs, I hereby determine that the Draft Environmental Impact Report (DEIR) submitted on this project **adequately 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 should prepare a Final EIR in accordance with the Scope below.

The proponent requested that the Draft EIR be reviewed as a Final EIR in accordance with Section 11.08(8)(b)(2)(a) of the MEPA regulations. However, I am requiring a Final EIR (FEIR) to provide additional information and analysis on transportation as further detailed below and in the comment letter from the Executive Office of Transportation (EOT).

According to the Draft EIR, the proposed project consists of a 113,600 square foot (sf) retail development on an approximately 25-acre site, which contains an existing retail center (approximately 41,800 sf) and associated parking (200 spaces) and three single-family homes. The site also contains a former gravel pit and buildings that are currently used by the Town of Sutton for sand and salt storage. The project will expand upon the existing plaza to accommodate a new Stop & Shop, two additional retail buildings and 477 new parking spaces. The project will result in approximately 10 acres of land alteration, including 9 acres of impervious area and alteration of approximately 12,210 sf of Riverfront Area. The project is expected to generate 9,140 vehicle trips on an average weekday and 12,330 vehicle trips on a Saturday. Water use is estimated at an additional 7,550 gallons per day (gpd) for a total of 8,940 gpd (average daily use). The wastewater system is being designed to handle flows of up to approximately 18,000

gpd. The project includes construction of 0.7 miles of new water mains, 0.4 miles of new sewer mains, and a pump station.

The project is undergoing MEPA review and is subject to a mandatory EIR pursuant to Section 11.03(6)(a)(6) because it involves generation of 3,000 or more new average daily trips (adt) on roadways providing access to a single location. The project is also undergoing MEPA review pursuant to Section 11.03(1)(b)(2) because it involves creation of 5 or more acres of new impervious area, and 11.03(6)(b)(15) because it involves construction of 300 or more new parking spaces at a single location.

The project requires a State Highway Access Permit from the MassHighway Department (MHD) for access to Route 146. The project requires an Order of Conditions from the Sutton Conservation Commission for work within Riverfront Area (and, on appeal only, a Superseding Order from the Department of Environmental Protection (MassDEP)). In lieu of a Sewer Extension/Connection permit, the proponent will be required to file a certification with MassDEP in accordance with 314 CMR 7.00. The project may require air quality permits and a water supply distribution system modification permit. The project will require a National Pollutant Discharge Elimination System (NPDES) Construction Activities Permit from the U.S. 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, or potentially required, state permits that have the potential to cause damage to the environment. In this case, MEPA jurisdiction extends to transportation, wetlands, land, stormwater and drainage, and may extend to water supply and air quality.

DRAFT EIR REVIEW

General

As described in the FEIR, there have been no major changes in the project since the filing of the Expanded Environmental Notification Form (ENF). Additional grading is proposed for the detention/infiltration basin to manage stormwater, and the traffic study has been expanded to address cumulative impacts associated with the proposed Cold Spring Brook Place project (EEA#13249).

An Open Space Plan is included in the DEIR. According to the DEIR, the proponent will set aside approximately 50% of the project site as open space and an Open Space Covenant or similar mechanism will restrict approximately 35% (8.62 acres) of the site from future development.

Alternatives

The DEIR includes an expanded alternatives analysis that compares impacts associated with the preferred alternative, no-build alternative, reduced-build and preliminary (slightly

larger-scale) alternatives. The FEIR should provide additional information and analysis on transportation mitigation alternatives as further detailed in the Scope below.

Transportation

As required by the Scope in the Certificate on the Expanded ENF, the DEIR included a revised traffic study and additional information and analysis relating to trip generation estimates. The FEIR should address outstanding mitigation and other roadway improvement issues as further detailed in the Scope below and in the comment letter from EOT.

Wastewater

At the time of the Expanded ENF filing, the project required a Sewer Extension Permit from MassDEP. However, in accordance with MassDEP's new regulations 314 CMR 7.00 related to sewer connection and extension permitting, a sewer connection with design flow between 15,000 gpd and 50,000 gpd does not require a sewer permit prior to sewer installation. Instead of a sewer extension permit, a certification must be filed with MassDEP within 60 days after commencement of use of the sewer. Similarly, a certification, in lieu of a sewer extension permit, is required for sewer extensions of less than 1,000 feet. As recommended by MassDEP in its comment letter, the proponent should consult with the Town of Sutton regarding future sewer upgrades. Given that a MassDEP Sewer Extension permit is no longer required, MEPA jurisdiction does not extend to wastewater. However, as required by the Certificate on the Expanded ENF, the proponent provided additional information on wastewater in the DEIR.

As described in the DEIR, the site is currently served by an on-site septic system. Under proposed conditions, the wastewater will be collected and directed to a new on-site pump station, which will convey wastewater to a force main that will tie into the Town of Sutton municipal system located in Boston Road. Wastewater will be discharged to the Upper Blackstone Water Pollution Abatement District. According to the DEIR, the pump station will not become part of the municipal system but will remain under the control of the site owner.

Water Supply

Water supply for the project will be provided by the Wilkinsonville Water District. The proponent has committed to water efficient plumbing fixtures and appliances, and drought-resistant landscaping to reduce water demand.

Wetlands

The DEIR provided additional information regarding potential impacts to Cold Spring Brook. According to the DEIR, Cold Spring Brook is not hydraulically connected to the site and there will be no direct discharge of stormwater from the site to the brook. According to the DEIR the project will not result in any siltation, water fluctuations or alteration of temperature regime of coldwater resources. As described in the DEIR, Riverfront Area impacts (12,210 sf) will occur in areas previously disturbed for gravel operations, and are associated with development of

constructed wetlands for stormwater management and a small cut slope for a loading entrance door.

An Order of Conditions for the project was issued by the Sutton Conservation Commission prior to the final Zone II delineation for a new public water supply located in the vicinity of the project site. According to the DEIR, the Sutton Conservation Commission accepted project plan revisions to protect the proposed well (December 2006) and will not require an amended Order of Conditions.

Air Quality

The DEIR indicates that the project will have six rooftop HVAC units, six small unit heaters and an emergency/back-up generator, and that permit applications will be submitted to MassDEP when system details are further developed. The DEIR notes that the project will comply with all MassDEP regulations pertaining to construction activities and protection of air quality. The proponent has committed to contractually require that construction contractors adhere to all applicable regulations regarding control of construction vehicle emissions, and will require that all diesel equipment used on site be fitted with after-engine emission controls.

Stormwater Management

The DEIR includes a description of existing and proposed site drainage conditions, and commits to full compliance with the MassDEP Stormwater Management Policy standards. The DEIR includes a Stormwater Management Plan with hydrologic data and a brief description of Best Management Practices (BMPs) for water quantity and quality control. The proposed BMPs include stormceptor units, sediment forebays, a series of constructed wetlands, and an infiltration basin. As further detailed in the MassDEP comment letter, the Stormwater Management Policy is only applicable to those parts of the Zone II located in wetland resource areas and buffer zones, unless otherwise required by a municipality pursuant to a local bylaw.

SCOPE

Transportation

As further detailed in its comment letter, EOT has requested that the project proponent, and the proponent of the Cold Spring Brook Place project (EEA# 13249), evaluate mitigation alternatives for two scenarios. The DEIR describes proposed improvements to mitigate traffic impacts associated with the project (Scenario 1), which EOT believe will mitigate impacts to an acceptable level of service. The DEIR also presents Scenario 2 as a potential solution to mitigate impacts of both projects. The proponent should continue consultation with MassHighway and the Cold Spring Brook Place proponents to address outstanding issues relating to Scenario 2.

The roadway design proposed under Scenario 2 would require a significant amount of private right-of-way that is not under the control of either proponent. The FEIR should include a proposed redesign of roadway improvements that will provide an adequate level of service

within the existing right-of-way or significantly reduce project impacts. The proponent should consider the safety of proposed lane configurations when redesigning the roadway improvements.

The FEIR should include a revised traffic analysis for the Route 146/Boston Road intersection and discuss lane utilization as further detailed by EOT in its comment letter. The FEIR should include conceptual plans for the proposed roadway improvements as requested by EOT. The proponent should continue discussions with the Worcester Regional Transit Authority (WRTA) regarding proposed transit service to the site and the FEIR should include a summary of these discussions with WRTA. The FEIR should also include an update of the local permitting processes with respect to any state highway issues being discussed. I encourage the proponent to consult with MassHighway before any state highway issues are discussed in local meetings or hearings.

The FEIR should include a draft letter of commitment that outlines all mitigation measures the proponent will implement on behalf of the project. The proponent should continue coordination with EOT, MassHighway, and the proponent of the Cold Spring Brook project to ensure that implementation of its mitigation plans would not preclude implementation of the Cold Spring Brook mitigation scenario. Alternatively, the proponent should work cooperatively to implement a mitigation scenario that mitigates the impacts of both projects. EOT has offered to participate in a joint effort to reach consensus on the proposed scenario.

Air Quality

MassDEP has reiterated its concern regarding potential air quality impacts associated with project-related demolition activities. The FEIR should provide additional information and commitments to respond to MassDEP comments on air quality, including management of asbestos-containing materials.

Sustainable Design

The DEIR proposes water conservation features such as low flow fixtures and drought-resistant landscaping, and a supermarket materials recycling program. I encourage the proponent to also consider Leadership in Energy and Environmental Design (LEED) certification for new construction and explore, and implement to the extent feasible, other sustainable design elements that can provide environmental and economic benefits. The FEIR should describe any energy efficiency other sustainable design features that will be incorporated as part of the project.

Mitigation and Section 61 Findings

The FEIR should include a summary chart listing measures proposed to avoid, minimize and mitigate environmental impacts associated with the project, and include a timeline for implementation and identify responsibilities for implementation. The FEIR should include a revised Section 61 Findings as applicable for Agency Actions required for the project.

Response to Comments

The FEIR should respond to the comments received to the extent that they are within MEPA jurisdiction. The proponent should use either an indexed response to comment format, or direct narrative response. The FEIR should present any additional narrative or quantitative analysis necessary to respond to the comments received.

Circulation

The proponent should circulate the FEIR to all who submitted comments on the DEIR as listed below, to any agency from which the proponent may require a permit or approval, and to others as required by Section 11.16 of the MEPA regulations. A copy of the FEIR should be made available for public review at the Sutton Public Library.

September 7, 2007

DATE



Ian A. Bowles, Secretary

Comments Received:

8/15/07 Department of Environmental Protection, Central Regional Office
8/28/07 Executive Office of Transportation, Office of Transportation Planning

IAB/AE/ac