



# The Commonwealth of Massachusetts

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September 14, 2006

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## CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT/NOTICE OF PROJECT CHANGE

PROJECT NAME : Proposed Supermarket  
PROJECT MUNICIPALITY : Route 132 at Bearses Way – Barnstable  
PROJECT WATERSHED : Cape Cod  
EOEA NUMBER : 12612  
PROJECT PROPONENT : Atlantis Development, LLC  
DATE NOTICED IN MONITOR : July 25, 2006

As Secretary of Environmental Affairs, I hereby determine that the Draft Environmental Impact Report(DEIR)/Notice of Project Change (NPC) 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).

According to the DEIR/NPC, the proposed project consists of the construction of a 69,800 square foot (sf) supermarket. The 12.08-acre site contains about 94,140 sf of building area formerly used as a tennis facility, restaurant, candle factory, retail store, and marine repair and supply store. The former tennis facility is currently being used as a religious facility. The former candle factory and retail store have been demolished. The proposed parking area would include approximately 297 surface parking spaces. The proponent is proposing to construct a new roadway through the western part of site. This new roadway would serve as a connector roadway between Route 132 and Attucks Lane (formerly Hadaway Road). The proponent would provide two driveways from the project site onto the connector road. The connector road would be aligned with the signalized intersection of Route 132/Bearses Way and it would connect to another signalized intersection with Attucks Lane. Using the Institute of Traffic Engineers land use code 820 (Shopping Center), the proponent has estimated that the project would generate approximately 5,260 vehicle trips on a weekday. The proponent is proposing to preserve approximately six acres on-site and two acres off-site as protected open space. This open space will be protected through a combination of deed restrictions and conservation restrictions.

Since the submission of the last Certificate (November 23, 2001), the proponent has

reduced the size of the market by 10,000 sf and the amount of parking by 102 spaces. The NPC was submitted for the "lapse of time" between the last Certificate and this DEIR.

This project is subject to a mandatory EIR. It requires a Massachusetts Highway Department (MassHighway) Access Permit and Traffic Signal Permits. The project must comply with the National Pollution Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over five acres.

The proposed project will be connected to existing municipal water service. It will increase the consumption of water by about 2,700 gallons per day (gpd). The project will generate approximately 2,700 gpd of new wastewater, which will go to the municipal sewer service.

The proponent has requested coordinated review of the project under MEPA and the Cape Cod Commission (CCC) Act. The project requires review as a Development of Regional Impact (DRI) pursuant to CCC regulations. On August 29, 2006, the CCC held a subcommittee hearing on the NPC/DEIR.

### **Review of the DEIR/NPC:**

Based on local zoning, the EIR identified the full-build out of the parcel. In addition to the Preferred Alternative and the No-Build Alternative, the EIR discussed alternative building configurations that might result in fewer impacts. The EIR summarized the alternatives already developed for the project site. The analysis presented the alternative driveway and connector road configurations at the site and identified the advantages and disadvantages of the preferred alternative. In Table 3-1, the EIR provided a comparative analysis that clearly showed the differences between the environmental impacts associated with each of the alternatives.

The EIR discussed the consistency of the project with the applicable local and regional land use plans, and addressed the requirements of Executive Order 385 (Planning for Growth). The EIR detailed the consistency of the project with the minimum standards of the CCC's Regional Policy Plan (RPP). The EIR discussed the consistency of the project with the Town of Barnstable's Master Plan.

The EIR included a detailed traffic study prepared in conformance with the EOEA/EOTC Guidelines for EIR/EIS Traffic Impact Assessment. It identified appropriate mitigation measures for areas where the project will produce impacts on local and regional traffic operations. The EIR included a Level-of-Service (LOS) analysis for the intersections included in the ENF Certificate during the weekday evening peak hour and the Saturday peak hour. The EIR's LOS tables included each movement for these scoped intersections. The proponent added some additional intersections required by the CCC to its traffic analysis. The Volume/Capacity ratio was also provided for signalized intersections. The EIR included a summary of average and 95th percentile vehicle queues for each intersection within the study area. The EIR included traffic

projections from other future development proposals in the vicinity of the project. The proponent consulted with Barnstable, MassHighway, and CCC officials regarding other development proposals in the area when it developed future build area traffic scenarios. The EIR considered the wide seasonal fluctuations in traffic volume in the vicinity of the project. Traffic accident history for the three most recent years for which data was available was reviewed and presented for the study area. In the EIR, traffic accident problem areas were identified by the proponent. The proponent proposed signal timing/phasing, signage, and striping improvements to increase traffic safety.

The EIR discussed the proponent's coordination efforts with MassHighway and Barnstable as it addressed regional and local traffic concerns within this area. It provided the most current information on the proposed construction dates for any roadway improvements in the area. The EIR's proposed mitigation will be coordinated with the MassHighway projects proposed for Route 132 or Route 28 in the project area.

The EIR discussed the suitability of proposed signalization changes and any roadway widening. It discussed the right-of-way (ROW) implications of possible widening, and it described how such ROW's would be acquired. The proposed plans for roadway improvements within the EIR were of sufficient detail to verify the feasibility of constructing such improvements.

Zoning requires 276 parking spaces, and the proponent is proposing to construct 297 parking spaces on the project site.

The EIR showed where sidewalks currently exist in a map of the area and where the proponent proposed sidewalks. The EIR identified how the proposed sidewalks would connect to other sidewalks and proposed crosswalks. It identified the proposed bicycle parking area at the store. On August 21, 2006, the proponent stated that it would consider providing a sidewalk along the site's frontage with Route 132 and Attucks Lane. The proponent also identified that it would provide 16 bicycle parking spaces on two racks. The first bicycle rack will be located near the main northern entrance and covered under the buildings overhang. The second rack will be located at the southern store entrance.

The EIR summarized the results of the hazardous waste studies and remediation efforts undertaken at the site by the proponent. The EIR discussed the potential construction period impacts, and it analyzed the feasible measures that can avoid or eliminate these impacts. It discussed the aesthetics of the project, and it included a conceptual-level landscaping plan and building elevations from all sides.

The FEIR should resolve all the remaining issues outlined below, as required by this Certificate. It should include a copy of this Certificate.

**Project Description:**

The FEIR should provide a detailed project description with a summary/history of the project. It should include existing and proposed site plans. The FEIR should identify and describe how the proponent will resolve the outstanding issues with the CCC, where it will relocate the church, and identify the location of the off-site open space parcel.

**Drainage:**

The FEIR should discuss consistency of the project with the provisions of the National Pollution Discharge Elimination System (NPDES) general permit from the U.S. Environmental Protection Agency for stormwater discharges from construction sites. The FEIR should include a discussion of best management practices employed to meet the NPDES requirements, and it should include a draft Pollution Prevention Plan.

**Mitigation:**

The FEIR should include a separate chapter on mitigation measures. It should include plans showing the configuration of each roadway intersection proposed for modification. This chapter on mitigation should include a Draft Section 61 Finding for all state permits. The Draft Section 61 Finding should contain 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. A schedule for the implementation of mitigation should also be included.

In the DEIR/NPC, the proponent committed to implement the following mitigation measures:

- Access/Connector Drive Design & Construction, approximately \$350,000;
- Route 132/Bearse's Way Intersection Improvements, approximately \$350,000;
- Attucks Lane/Access/Connector Drive Signalization, approximately \$350,000;
- Monetary Contribution (Minimum Performance Standard 4.1.2.7(a)) from the CCC's Regional Policy Plan, approximately \$57,000;
- CCC's Fair Share Improvements to Roadways, approximately \$235,000;
- Construction of stormwater management system, approximately \$280,000 to \$320,000;
- Purchase an additional 1.7 acre parcel of land off-site to preserve as open space; and
- Transportation Demand Management (TDM) Program, approximately \$12,000 for the first year, \$4,500 annually thereafter.

For its TDM Program, the proponent has proposed a carpooling and ridesharing program with financial incentives, preferential parking, an on-site coordinator, a guaranteed ride home, and on-site services for employees. The FEIR should describe and estimate the financial incentives (lunch vouchers) proposed for employees utilizing non-single occupancy vehicles. The

proponent should consider organizing or joining a Transportation Management Agency. The TDM Program should also consider offering flextime to employees, direct deposit, and coordinating its TDM services with other nearby retailers and employers. The FEIR should commit to the installation of a bus shelter along the Access/Connector Road, and other additional measures to ensure that roadways accommodate bicycles. It should investigate all bicycle path connections and opportunities in the project area, such as Attucks Way to Phinney's Lane and Route 6A (an existing designated bike route). The proponent should commit to providing sidewalks along its frontage with Route 132 and Attucks Lane. Because MassHighway does not have a mechanism in place to accept the fair share contributions that the proponent is proposing, the FEIR should identify how the proponent will work with MassHighway to identify ways to use those funds towards the design and construction of highway improvements. The proponent should coordinate its plans for roadway improvements along Route 132 with MassHighway. The proponent should contact the adjacent Festival Mall to establish a connector drive to it in the area of the liquor store parking lot to the south of the building or to the north of the proposed building.

The FEIR should discuss how open space will be preserved through deed and conservation restrictions. It should describe where off-site land for both traffic and open space credits is located. The FEIR should update when these off-site properties will be finalized and identify the anticipated approval schedule by the CCC.

**Response to Comments:**

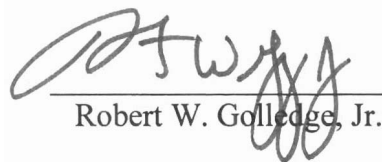
The FEIR should include copies of all comment letters. It should provide a response to all comments within the scope of this project.

**Circulation:**

The FEIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should also be sent to the list of "comments received" below and to Barnstable officials. A copy of the EIR should be made available for public review at the Barnstable Public Library.

September 14, 2006

DATE

  
Robert W. Gollidge, Jr.

Cc: Sharon Stone, MassDEP/SERO

Comments received:

VHB, 7/26/06

VHB, 7/31/06

VHB, 8/21/06

EOEA #12612

DEIR/NPC Certificate

September 14, 2006

CCC, 8/24/06

Association to Preserve Cape Cod, 8/29/06

MassDEP/SERO, 9/7/06

CCC, 9/7/06

EOT, 9/7/06

MassDEP/SERO, 9/10/06

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RWG/WTG/wtg