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September 28, 2007

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
EXPANDED ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Route 20 and Cherry Street
PROJECT MUNICIPALITIES : Shrewsbury
PROJECT WATERSHED : Assabet River
EOEA NUMBER : 14093
PROJECT PROPONENT : Polito Development Corporation
DATE NOTICED IN MONITOR : August 22, 2007

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **requires** the preparation of an Environmental Impact Report (EIR). In a Draft Record of Decision (ROD) issued today, I propose that a Phase I Waiver be granted to allow a portion of the project to proceed to state permitting prior to completion of the EIR for the entire project. The Draft ROD will be published in the October 9, 2007 issue of the *Environmental Monitor* and subject to a 14-day public comment period, after which I will issue a Final ROD with a determination regarding the Phase I Waiver request.

The proposed project includes the construction of eight new buildings for commercial office and warehouse use and expansion of the existing commercial building on site. The project entails the expansion of 188,200 square feet of industrial park, which will be constructed in two phases. Phase I entails the construction of four structures, a new site driveway (Drive A) off Cherry Street and a portion of the existing site driveway (Drive B) off Route 20. Phase II entails the completion of Drive B and the remaining structures. Phase I of the project is expected to generate 536 vehicle trips on an average weekday. At full build out the project is expected to generate an additional 1,258 new vehicle trips on an average weekday for a total of 1,694. The development will be served by private utilities including gas and electrical. Upon project completion, there will be 16.1 acres of impervious area within the 26 acre site. A connection to the municipal water system will be made in Cherry Street and will serve all proposed buildings on-site. Additionally, the project is expected to generate 8,200 gallons per day of wastewater when complete.

The project is undergoing MEPA review and is subject to a mandatory EIR pursuant to Section 11.03 (1)(a)(2) of the MEPA regulations because it involves creation of 10 or more acres of impervious area. In addition, the project exceeds ENF thresholds for transportation impacts. The project requires an Access Permit from the MassHighway Department (MHD). The project will require a National Pollutant Discharge Elimination System (NPDES) Construction Activities Permit from the US 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 state permits with the potential to cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to transportation and land impacts.

Request for a Single EIR and Phase I Waiver

In accordance with Section 11.05(7) of the MEPA regulations, the proponent has submitted an Expanded ENF (EENF) with a request that I allow the proponent to fulfill its EIR obligations under MEPA with a Single EIR, rather than the usual process of a Draft and Final EIR. In addition, the proponent has requested that I grant a Phase I Waiver, which would allow Phase I of the project to proceed to permitting prior to completion of the EIR. The EENF was subject to a 37-day review period pursuant to 301 CMR 11.05(7). The proponent's request for a Single EIR was discussed at the MEPA site visit held for the project on August 30, 2007. Based on a review of the EENF, I hereby find that the document meets the regulatory requirements and I am permitting the proponent to file a Single EIR in fulfillment of Section 11.03 of the MEPA regulations. I have also reviewed the proponent's request for a Phase I Waiver and I hereby find that the EENF meets the regulatory standards.

The EENF includes significant information on project alternatives and impacts. The review of the EENF has thus served to narrow the focus of the scope of the EIR. I will therefore allow the proponent to incorporate by reference into the EIR those portions of the EENF that do not require additional analysis or explanation.

SCOPE

As modified by this scope, the EIR should conform to the general guidance for outline and content contained in section 11.07 of the MEPA regulations. The proponent should circulate the EIR to those who commented on the Expanded ENF (EENF).

General

The Single EIR should follow the general guidance for outline and content contained in Section 11.07 of the MEPA regulations, as modified by this Scope. The Single EIR should include a copy of this Certificate and a copy of each comment received. The proponent should circulate the Single EIR to those parties that commented on the EENF; to the Town of Shrewsbury; to any state agencies from which the proponent will seek permits or approvals; and

to any parties specified in Section 11.16 of the MEPA regulations. A copy of the Single EIR should be made available for public review at the Shrewsbury Public Library.

Project Description and Permitting

The Single EIR should include a thorough description of each project, including a detailed description of construction methods and phasing. The Single EIR should include a brief description of each state permit or agency action required or potentially required, and should demonstrate that the projects will meet applicable performance standards. The proponents should provide an update on the local permitting process for each project. In accordance with Executive Order No. 385, "Planning for Growth" and Section 11.03 (3)(a) of the MEPA regulations, the DEIR should discuss the consistency of the projects with the local and regional growth management and open space plans.

Land

I strongly encourage the proponent to investigate ways to modify the Preferred Alternative to reduce the amount of impervious areas that will be introduced to this site. Conversion of vegetated surfaces to impervious pavement and rooftops will alter the existing stormwater patterns. The EENF described that the Preferred Alternative includes parking spaces in excess of the minimum required by the Town of Shrewsbury Zoning Bylaw. I encourage the proponent to evaluate a reduction in parking spaces to achieve reduced impervious area and land impact.

Transportation

The EENF included a traffic study that generally conforms to EEA/EOT Guidelines for EIR/EIS Traffic Impact Assessments. Phase I of the project is expected to generate 536 vehicle trips on an average weekday. At full build out the project is expected to generate an additional 1,258 new vehicle trips on an average weekday for a total of 1,694.

According to their comment letter, MHD supports the proponent's requests to fulfill its EIR obligations with a Single EIR and to grant a Phase I Waiver, which would allow Phase I of the project to proceed to permitting prior to completion of the EIR. MHD states that the traffic associated with the Phase I development will have minimal impact to the state highway system because vehicle are expected to access the site via Cherry Street/Drive A intersection. In addition, the proposed road widening improvements to Cherry Street, between the site driveway and the southern property line, are expected to accommodate turning movements associated with the site.

The proponent should respond to the comments received from Massachusetts Highway Department (MHD) pertaining to the project's potential traffic impacts. MHD has expressed concern in their comment letter with a number of access management issues remaining that must be resolved prior to the issuance of a highway access permit. I strongly encourage the proponent to consult with the MHD's Public/Private Development Office on transportation issues during the preparation of the Single EIR.

The Single EIR should also provide a clear commitment to advance the long-term improvements at this location. The Single EIR should discuss the suitability of any proposed improvements. The Single EIR should include any conceptual plans for roadway improvements with sufficient detail to verify the feasibility of constructing such improvements. The plans should show proposed lane widths and offsets, layout lines and jurisdictions, and the land uses (including access drives) adjacent to areas where improvements are proposed. The Single EIR should present a Transportation Demand Management (TDM) program, and include appropriate commitments to implement feasible TDM measures.

Parking

According to the ENF, a total of 242 parking spaces are proposed at full build-out. The Single EIR should include a parking needs assessment and provide information that justifies the proposed number of parking spaces. The Single EIR should identify opportunities to minimize the amount of parking and impervious area.

Air Quality

The Single EIR should describe air quality mitigation commitments. The proponent should also consult with MassDEP regarding participation in the MassDEP Diesel Retrofit Program which is a way to mitigate adverse construction-period impacts from diesel emissions. The proponent should also discuss with MassDEP the use of fossil fuel-fired equipment, emergency generators or other project components that may be subject to pre-construction air quality permitting requirements. The DEIR should include an update on consultations with MassDEP regarding air quality impact analysis and permitting issues.

Stormwater and Drainage

The EENF included a discussion of existing and proposed drainage conditions for the project and described the main elements of the proposed stormwater management system designed to control project-related stormwater runoff. The project will feature a stormwater management system to control and treat runoff from site drives, parking lots and roof top areas. The stormwater management system will be designed in compliance with MassDEP's Stormwater Management Policy (SMP) for site redevelopment projects. During construction activities, a Stormwater Pollution Prevention Plan will be prepared and implemented in accordance with EPA's National Pollutant Discharge Elimination System General Permit. The EENF provided a discussion of how the proposed stormwater management system would comply with MassDEP's Stormwater Management Policy (SMP) guidelines.

The Single EIR should include a discussion of best management practices employed to meet the DEP and NPDES requirements, and should include a draft of the Pollution Prevention Plan. In addition, a maintenance program for the drainage system will be needed to ensure its effectiveness. This maintenance program should outline the actual maintenance operations, sweeping schedule, responsible parties, and back-up systems.

I encourage the proponent to consider Low Impact Development (LID) techniques in site design and storm water 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/>. The Single EIR should include a discussion of any LID measures that the proponent could incorporate into project design.

Wetlands

The EENF included a discussion of how the project will comply with the general performance standards for Bordering Vegetated Wetland (BVW) at 310 CMR 10.55(4)(b). The proponent filed a Notice of Intent with the Shrewsbury Conservation Commission for the project's impacts to resource areas. The Single EIR should outline any changes to anticipated wetlands impacts that may result from consultation with the Shrewsbury Conservation Commission. The proponent should implement an erosion and sedimentation control plan to prevent indirect impacts to wetlands during construction. The Single EIR should provide an overview of this plan.

Wastewater

The site will have a private sewage pump station that pumps cross-country to an existing sewer. The estimated 6,383 gpd of sewage will flow through Shrewsbury to the Westborough Wastewater Treatment Facility for treatment. No sewer permit is required. The Cherry Street pump station has had capacity problems in the past but was recently upgraded by another developer. MassDEP recommends in their comment letter that when the Town of Shrewsbury reviews the sewer connection and extension application they make sure the proponent has money set aside for operation and maintenance of the pump station and that there are legal documents drawn up on ownership and responsibility of operations and maintenance (O&M) for the pump station. The cross-country sewer line will also require legal easements to make sure the owner has access to the sewers for O&M and that no buildings, sheds or trees are located above the sewer. I strongly encourage the proponent to consult with MassDEP. The Single EIR should provide an update on consultations with MassDEP.

Construction Period

The Single EIR should discuss potential excavation and construction period impacts (including but not limited to noise, vibration, dust, and traffic flow disruptions) and analyze and outline feasible measures that can be implemented to eliminate or minimize these impacts. I encourage the proponent to incorporate construction waste recycling activities as a sustainable

measure for the project. The proponent should consult with MassDEP for appropriate standards and guidelines for managing construction waste.

I encourage the proponent to mitigate the construction period impacts of diesel emissions to the maximum extent feasible. This mitigation may be achieved through participation in the MassDEP Diesel Retrofit Program. As requested by MassDEP, the proponent should work with its staff to implement construction-period diesel emission mitigation, which could include the installation of after-engine emission controls such as oxidation catalysts or diesel particulate filters. Additional information is available on the MassDEP website:

<http://www.state.ma.us/dep/brp/mf/files/diesel.pdf>. In addition, I encourage the proponent to require its contractor(s) to use ultra low sulfur diesel fuel (ULSD) in their off-road construction equipment in conjunction with after-engine emission controls. If the proponent intends to participate in this initiative, a commitment should be outlined in the Single EIR.

Sustainable Design

I commend the proponent for incorporating sustainable design elements into the project design. To the maximum feasible extent, I also encourage the proponent to use the following elements of a sustainable design:

- Optimization of natural day lighting, passive solar gain, and natural cooling;
- Use of energy efficient HVAC and lighting systems, appliances and other equipment, and use of solar preheating of makeup air;
- Favoring 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;
- Feasibility of “green roofs” to reduce stormwater runoff; and
- Water conservation and reuse of wastewater and stormwater.

The Single EIR should include a narrative describing policies regarding waste reduction, water use, and other sustainable design initiatives that may be implemented on site not described in the EENF.

Responses to Comments

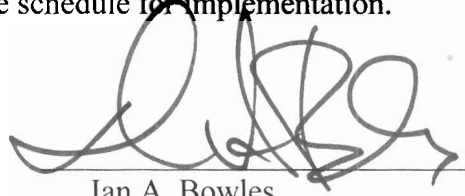
The Single EIR should respond to all of the substantive comments received to the extent that they are within MEPA jurisdiction. The Single EIR should present any additional narrative or quantitative analysis necessary to respond to the comments received.

Mitigation and Draft Section 61 Findings

The Single EIR should include a summary of all mitigation measures to which the Proponent has committed. The Single EIR should contain Proposed Section 61 Findings for use by the state permitting agencies that include clear commitments to implement mitigation measures, including the responsible entity and the schedule for implementation.

September 28, 2007

Date



Ian A. Bowles

Comments Received:

- 09/05/07 Department of Environmental Protection, NERO
- 09/19/07 Executive Office of Transportation, MassHighway
- 09/21/07 Town of Shrewsbury, Eric Denoncourt

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