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September 29, 2006

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

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, 2006

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). The proponent submitted an Expanded Environmental Notification Form (ENF) with a request that I allow a Single EIR to be filed instead of the usual two-stage Draft and Final EIR process. The Expanded ENF provided detailed information on the project and its potential impacts, including a traffic study and stormwater management report. However, I find that additional information and analysis of alternatives is required to demonstrate that the project uses all feasible means to avoid environmental impacts in accordance with Section 11.06(8) of the MEPA regulations. Therefore, I am requiring that a Draft EIR (DEIR) be prepared. However, if the DEIR adequately addresses the Scope below and no substantive issues remain, I will consider reviewing the DEIR as a Final EIR in accordance with Section 11.08(8)(b)(2) of the MEPA regulations.

According to the Expanded Environmental Notification Form (ENF), 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 as proposed in the ENF 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. Traffic impacts are estimated in the ENF at 5,690 additional vehicle trips per day (for a total of 9,140 trips). Water use is estimated at an additional

7,550 gallons per day (gpd) for a total of 8,937 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)). The project requires a Sewer Extension/Connection permit from MassDEP, and 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, wastewater, water supply, and air quality.

SCOPE

General

The proponent should prepare a DEIR in accordance with the general guidance for outline and content found in Section 11.07 of the MEPA regulations as modified by this Scope. The DEIR should include a copy of this Certificate and a copy of each comment letter received. The DEIR should include a Project Summary in clear non-technical language. This section of the document should summarize all phases of the project, alternatives analyzed, the type and extent of potential impacts, and proposed mitigation. The DEIR should include an update on the permitting process and discuss any changes to the proposed project since the ENF filing.

The DEIR should include maps and plans at a reasonable scale to facilitate review and comment. Site plans should be clearly labeled and locate project elements in the context of existing natural resources and public water supplies in the project area. Site plans should clearly identify areas to be left undisturbed and the DEIR should discuss mechanisms for permanent protection of undeveloped land.

Alternatives

The ENF discussed and compared the no-build scenario, the preferred alternative and a preliminary design alternative. The preferred and preliminary alternatives had similar amounts of land alteration and impervious impacts. Traffic and Riverfront Area impacts were not quantified and compared in the ENF. The alternatives analysis should be expanded in the DEIR to include an evaluation of alternative configurations and/or levels of development that would avoid or minimize Riverfront Area impacts, and reduce impervious area and traffic generation. The DEIR should clarify the amount of impervious area proposed for parking for each alternative, and include a parking needs assessment. The DEIR should consider opportunities to incorporate Low Impact Development (LID) techniques and other sustainable design alternatives in site design and storm water management plans. The DEIR should explain why certain alternatives have been selected and others eliminated from further consideration.

Transportation

The DEIR should include a discussion that compares field data to the ITE trip distribution estimates for the site as requested by the Executive Office of Transportation (EOT) in its comment letter. The DEIR should also explain why the general code for shopping center is used for the entire site instead of use-specific codes. The EOT has indicated that the study area intersections included in the ENF are adequate but that the traffic study requires some revisions. The DEIR should include a revised traffic study to address the issues identified in the EOT comment letter. Data used for analysis of the intersection of Route 146 and Boston Road should differentiate between the left turning volume and the u-turning volume. The revised study should analyze the right turn onto Route 146 (at intersection of Route 146 and Pleasant Valley Road) as being under Stop control. The traffic study in the DEIR should evaluate the feasibility of providing an acceleration lane onto Route 146 southbound at Pleasant Valley Road. As part of the mitigation plan, the DEIR should examine the possibility of lengthening Route 146 southbound left turn lane at Boston Road to help reduce congestion and delays. The DEIR should address the Sutton Planning Board's concern regarding the expected Level of Service reductions at the site driveway and identify possible mitigation measures.

The proponent should continue to work with the MassHighway District 3 Office to ensure that the design of the site and access points work with the proposed plan to grade-separate the intersection of Route 146 and Boston Road. The DEIR should include an update on local permitting process with regard to any state highway issues. I encourage the proponent to consult with MassHighway and EOT Public/Private Development Unit during preparation of the DEIR and before state highway issues are discussed in local meetings or hearings. The DEIR should include an update on consultations with MassHighway District 3 and EOT.

Wastewater

The DEIR should include additional information on the proposed sewer collection system as requested by MassDEP. The DEIR should identify the downstream wastewater treatment facility and the location of the existing sewer on Boston Road. The DEIR should provide information on ownership of the proposed sewage pump station and pretreatment system.

Water Supply

As discussed in the ENF and in the comment letter from MassDEP, the Wilkinson Water District (WWD) will be locating a new well approximately 1,500 feet from the project site. The proposed project site lies within the Zone II for the new well. The DEIR should include maps and site plans that identify the location of the well and its protection zones in relation to the proposed sewer. The DEIR should also discuss how the proposed development, and tenants within the plaza, will comply with the Town of Sutton's Groundwater Protection District Bylaw.

The DEIR should discuss any blasting proposed for the site and address potential impacts to water supply, including impacts associated with perchlorate-containing blasting materials. The DEIR should discuss proposed measures to protect water supply and the project's consistency with MassDEP guidelines. I refer the proponent to the DEP Memorandum entitled "Potential Environmental Contamination From the Use of Perchlorate-Containing Explosive Products" available at <http://www.mass.gov/dep/cleanup/laws/blasting.htm>

The MassDEP comment letter indicates that water conservation will be a priority for the WWD due to conditions in its Water Management Act permit, which MassDEP expects to issue in the coming months. The DEIR should discuss water conservation measures to be incorporated as part of the proposed development.

Wetlands

As further detailed in the comment letter from the Division of Fisheries and Wildlife (DFW), Cold Spring Brook is a significant coldwater resource. Fisheries surveys reveal that the Brook provides habitat for twelve coldwater fish species. The DEIR should address the comments and concerns of DFW with regard to the susceptibility of coldwater resources to changes in water quality and/or quantity such as siltation, water level fluctuations and alteration of the temperature regime. The DEIR should evaluate how the proposed project, including stormwater run-off and any changes in drainage, may impact coldwater resources. The DEIR should demonstrate how the project is being designed to avoid adverse impacts to coldwater resources.

The project as proposed will impact 12,210 sf of Riverfront Area associated with Cold Spring Brook. The DEIR should clarify activities and structures proposed in the Riverfront Area and identify these on site plans. The DEIR should discuss how the project is being designed to avoid and minimize Riverfront Area impacts. The ENF indicates that work is proposed in previously altered areas. I encourage the proponent to consider opportunities to enhance Riverfront Area as part of the mitigation plan.

The proponent should consult with the Town of Sutton Conservation Commission regarding the need for an amended Order of Conditions, which may be required because the existing Order was issued prior to the final Zone II delineation for the new public water supply well. The DEIR should include an update on consultations with the Conservation Commission and the status of the Order of Conditions.

Air Quality

The proposed project will include clearing and grading, building demolition and construction activities. The DEIR should discuss how the project will comply with applicable regulations as further detailed in the MassDEP comment letter. MassDEP has expressed concern regarding potential air quality impacts associated with noise and dust emissions. The DEIR should address measures that will be implemented to avoid and minimize air quality impacts.

The commercial buildings proposed may require air quality permits from MassDEP. As further detailed in MassDEP's comment letter, fossil-fuel fired heating systems and emergency generators may be subject to the Environmental Results Program (ERP) or pre-construction permitting requirements. The DEIR should discuss the applicability of air quality permitting or ERP requirements with regard to the proposed buildings and facilities. I encourage the proponent to consult with the Air Quality Group at MassDEP's Central Regional Office during DEIR preparation, and to request an applicability determination as advised by MassDEP in its comment letter.

Stormwater Management and Construction Activities

Comments from the Town of Sutton Planning Board and Conservation Commission have raised questions regarding the consistency of the project with MassDEP Stormwater Management Guidelines because drainage from the site, which is considered a higher potential pollutant load area, will impact a Zone II area. The Town questions whether treated stormwater can be infiltrated and whether treated run-off from the site is allowed in a Zone II area. The Town also questions whether the proposed infiltration rate (8.25 inches per hour) is consistent with MassDEP guidelines. I encourage the proponent to continue consultations with the Sutton Planning Board and Conservation Commission, and with MassDEP, to address these issues. The DEIR should include an update on consultations and should discuss the consistency of the project with current, and proposed changes to, MassDEP Stormwater Management Policy and Guidelines. The DEIR should discuss proposed discharges to critical areas, including Zone II and coldwater fisheries, in the context of current and proposed changes to the MassDEP Stormwater Management Policy and Guidelines.

The DEIR should include a draft Construction Management Plan (CMP) that describes proposed measures to avoid and minimize dust, noise, odor, nuisance conditions, traffic, and wetlands impacts associated with construction activities. The draft CMP should also discuss plans for recycling of construction and demolition (C&D) materials.

Sustainable Design

I encourage the proponent to explore, and implement to the extent feasible, green building and other sustainable design elements that can provide environmental and economic benefits for the proponent as well as future building owners and occupants. The DEIR should discuss sustainable design alternatives evaluated by the proponent and describe measures proposed to avoid and minimize environmental impacts. The basic elements of a sustainable design program may include, but not be limited to, the following measures:

- Leadership in Energy and Environmental Design (LEED) certification;
- water conservation and reuse of wastewater and stormwater;
- ecological landscaping (including retention of existing living public shade trees);
- use of Low Impact Development (LID) techniques (the proponent may find the following web sites useful www.mass.gov/envir/lid and www.lid-stormwater.net);
- optimization of natural day-lighting, passive solar gain, and natural cooling;
- use of energy efficient Heating, Ventilation and Air Conditioning (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; and
- provision of easily accessible and user-friendly recycling system infrastructure.

Mitigation

The DEIR should describe all measures to avoid, minimize and mitigate adverse effects on the environment, and include a summary of mitigation measures to which the proponent is committed. The DEIR should include proposed Section 61 Findings for all state permits, which should describe mitigation measures to be implemented, contain a clear commitment to mitigation and a schedule for implementation, and identify parties responsible for funding and implementing the mitigation measures.

Comments

The DEIR 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 DEIR should present any additional narrative or quantitative analysis necessary to respond to the comments received.

Circulation

The DEIR should be circulated to all who submitted comments on the ENF 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 DEIR should also be made available for public review at the Sutton Public Library.

September 29, 2006

DATE


Robert W. Golledge, Jr., Secretary

Comments Received:

8/30/06	Division of Fisheries and Wildlife
9/18/06	Department of Environmental Protection, Central Regional Office
9/19/06	Town of Sutton Planning Board
9/21/06	Town of Sutton Conservation Commission
9/26/06	Executive Office of Transportation

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