



The Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Deval L. Patrick
GOVERNOR

Timothy P. Murray
LIEUTENANT GOVERNOR

Ian A. Bowles
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/envir>

October 17, 2008

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

PROJECT NAME: Atlas Box & Crating Site Development
PROJECT MUNICIPALITY: Sutton
PROJECT WATERSHED: Blackstone
EOEA NUMBER: 14117
PROJECT PROPONENT: Atlas Box, LLC
DATE NOTICED IN MONITOR: **September 10, 2008**

As Secretary of Energy and Environmental Affairs, I hereby determine that the Draft Environmental Impact Report (DEIR) submitted on the above project **adequately and properly** complies with the Massachusetts Environmental Policy Act (G.L. c. 30, ss. 61-62I) and with its implementing regulations (301 CMR 11.00).

Project Description

As described in the DEIR, the project involves the construction of an office, manufacturing and warehouse facility on an approximately 31.88 acre site on the easterly side of Route 146 in Sutton, MA. The Proponent, Atlas Box & Crating Company is a global packaging company that provides protective packaging to the automotive, medical and electronics industries.

The project will be constructed in two phases. The first phase of the building will be approximately 226,400 square feet (sf); Phase 2 will consist of approximately 209,000 sf of additional building space. The subject property is currently unimproved; however, recent activities on the site included an earth removal operation. Access to the project will be from the Worcester-Providence Turnpike (Route 146). The project is anticipated to generate

approximately 1,728 new vehicle trips per day and require the construction of 329 parking spaces.

The project site has several jurisdictional wetland resource areas, including the 200-foot Riverfront Area to Cold Spring Brook, which is located to the west of the property. The project will result in Buffer Zone impacts only. The project site also lies within a Department of Environmental Protection (MassDEP) Zone II of a public water supply. The project site was recently the subject of a land-taking by the Wilkinsville Water District in order to comply with the 400-foot Zone I radius for the new public water supply. In exchange for the property taking, the Proponent has been assured a connection to the water distribution system from the new well. The expected water demand for the new facility is 7,670 gallons per day (gpd). Wastewater from the project will be treated in a private on-site soil absorption system. The total sewage design flow for the project is 8,000 gpd.

Jurisdiction

The project is undergoing environmental review and requires the preparation of a Mandatory Environmental Impact Report pursuant to Section 11.03(1)(a)(2) of the MEPA regulations because it requires state permits and because the project will result in the creation of more than 10 acres of new impervious surface. The project also meets ENF review thresholds for transportation at 301 CMR 11.03(6)(b)(14) because it will generate more than 1,000 new average daily trips on roadways providing access to a single location and result in the construction of more than 150 new parking spaces.

The project requires a National Pollutant Discharge Elimination System (NPDES) General Construction Permit from the U.S. Environmental Protection Agency (EPA); a Highway Access Permit from the Massachusetts Highway Department (MHD); an Order of Conditions (OOC) from the Sutton Conservation Commission (and therefore a Superceding Order of Conditions from the Department of Environmental Protection (MassDEP) if the local Order is appealed); Site Plan Approval from the Sutton Planning Board; and a Special Permit from the Sutton Zoning Board of Appeals.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction is limited to those aspects of the project that may cause Damage to the Environment as defined in the MEPA regulations, and that are within the subject matter of required or potentially required state permits. In this case, jurisdiction extends to transportation, wetlands and stormwater.

Review of the DEIR and Scope for the Final EIR (FEIR)

The DEIR included a description of the project. It contained a description of each state permit or agency action required or potentially required, and demonstrated that the project will meet applicable performance standards. The DEIR provided an update on the local permitting process for the project. It responded to comments from MassDEP, MHD and the Central Massachusetts Regional Planning Commission.

General

The FEIR should resolve the remaining issues outlined below, as required by this Certificate. It should follow the MEPA Regulations at 301 CMR 11.07 for outline and content, as modified by this Certificate.

Project Description & Regulatory Environment

The FEIR should include a detailed description of the project with a summary/history of the project. It should provide an existing and proposed site plan. The FEIR should describe each state agency action required for the project. It should contain sufficient information to allow permitting agencies to understand the environmental consequences related to the project.

Alternatives

The DEIR contained a comprehensive alternatives analysis in order to ascertain which site layout minimizes overall environmental impacts and reduces the amount of impervious surface on site. The alternatives analysis clearly demonstrated consistency with the objectives of MEPA review, one of which is to document the means by which the proponent plans to avoid, minimize or mitigate Damage to the Environment to the maximum extent feasible. The DEIR presented the No-Build Alternative, the Preferred Alternative, and discussed alternative building configurations that might result in fewer impacts, particularly related to the creation of impervious surface and buffer zone impacts. The Preferred Alternative remains the proponent's choice alternative with the improvements proposed in the DEIR and can be carried forward in the FEIR.

Stormwater

The project will result in the creation of 26.57 acres of new impervious surface, including 16.8 acres of roadways and new pavement, and 9.77 acres of rooftop. According to the DEIR, the stormwater management system for the project will consist of best management practices (BMPs) including deep-sump and hooded catch basins to collect and initially treat stormwater runoff and a conventional stormwater pipe network to convey the collected stormwater runoff. Runoff will then be routed through water quality swales and/or water quality units for secondary treatment and removal of total suspended solids (TSS). Stormwater will then be directed to infiltration systems to provide groundwater recharge.

The DEIR included a detailed drainage plan that provided drainage calculations, pre- and post-construction run off rates and a detailed description of stormwater BMPs. The DEIR provided a discussion of how the proposed stormwater management system would comply with MassDEP's Stormwater Management Policy (SMP) guidelines. The DEIR also included a drainage analysis of the state highway culverts and described the possible impacts to the MassHighway drainage system in Route 146.

I note that the project site is located within a Zone II for a Wilkinsville Water District public drinking water well. The location of the proposed project in a Zone II requires that

extraordinary care be taken to avoid introducing contaminants to groundwater. The Proponent has committed to a proposed stormwater system that meets MassDEP's stormwater guidelines, and the FEIR should address what additional precautions will be taken to avoid the release of pollutants into surface water discharged from the site.

The DEIR included an analysis of opportunities for recharge of runoff from impervious areas both from rooftops and other areas; improved source control of runoff throughout the site; and enhanced control of pollutants of concern (including sediments, nutrients, metals and petroleum-based pollutants). I encourage the Proponent to consider using porous pavement in lower use parking areas, as well as creating rain gardens in parking lot islands and at lot edges for stormwater management and infiltration. The DEIR described an operations and maintenance program for the drainage system including a schedule for maintenance and identification of responsible parties.

I continue to encourage the proponent to consider Low Impact Development (LID) techniques in site design and storm water management plans. LID techniques 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. 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/>.

Wetlands

Approximately 5.5 acres of the 31.88 acre project site are occupied by bordering vegetated wetlands and intermittent streams. The Proponent has filed an Abbreviated Notice of Resource Area Delineation (ANRAD) with the Town of Sutton Conservation Commission. No impacts to wetland resource areas are anticipated as part of the project; however there will be some alterations in the 100-foot buffer zone.

The DEIR contained an update on the local wetlands permitting process for the project. This project filed a Notice of Intent under the Wetlands Protection Act on August 19, 2008 and therefore is subject to the new wetlands Stormwater regulations (January 2, 2008). As stated the project has no direct impact on Wetland Resources and is subject to jurisdiction due to a small disturbance (.06 acres) in the buffer zone. There are no new impervious areas proposed within the buffer zone. A Stormwater Management Report was submitted with the Notice of Intent and this DEIR which included an Operation and Maintenance Plan. The project is designed to infiltrate treated Stormwater for up to the 100 year storm event. MassDEP has stated in its comment letter that it appears that the Project has proposed to meet the 10 standards required in the new wetlands Stormwater Regulations.

Traffic

Access to the site will be from Route 146 northbound. The DEIR included a Traffic Impact and Access Study (TIAS) to analyze the impact of the project on the state highway infrastructure and to evaluate the proposed access design. According to comments from the Executive Office of Transportation (EOT), the TIAS was prepared in conformance with EEA/EOT guidelines and has provided an adequate analysis of project-related traffic. The analysis examined the Route 146 intersection with Boston Road and the Route 146 ramp intersections with Central Turnpike. The analysis of existing conditions indicates that the unsignalized intersections of the Route 146 off-ramps with Central Turnpike operate at an acceptable Level of Service (LOS). The signalized intersection of Route 146 with Boston Road is a high volume intersection that currently functions at LOS F during the morning and evening peak.

In response to comments from EOT, the DEIR provided a more in-depth analysis of the northbound and southbound left-turn ramps to address anticipated traffic deficiencies. The study area intersections for the DEIR analysis included Route 146 at Boston Road and Route 146 at Central Turnpike

The analysis took into account background growth for the next 5 years and a number of site specific development projects that are ongoing or anticipated within the timeframe of this study. Forecasts of the project were based on guidelines published in the Institute of Transportation Engineers (ITE). At full development of the assumed development plan, the project is anticipated to generate 1,408 external vehicle trips on a typical weekday. The trips include 704 entering and 704 exiting trips over the 24 hour period. The weekday morning peak hour is expected to generate 277 external trips with 213 inbound and 64 outbound trips. The weekday evening peak hour is expected to generate 275 external trips with 99 inbound and 176 outbound.

It was estimated that approximately 32 percent of the traffic would travel to/from the north of the intersection of Route 146 and Boston Road to the north and approximately 15 percent of the traffic would travel to/from south of Central turnpike. The remaining trips were projected to use Boston Road or Central Turnpike.

Under Full Build out of the project Site Drive at Route 146 was determined to operate during the morning and evening peak hours at LOS C respectively. The drive is restricted to right in – right out.

The Proponent has committed at Route 146 and the Site Drive to implement improvements consisting of roadway widening to provide acceleration and deceleration lanes for safe access and egress. MHD has stated that the design of the acceleration/deceleration lanes will need to conform to MHD standards and take into consideration right-of Way alterations that may be required as part of the Route 146 long range plan in this area. The FEIR should update the status of discussions with MHD and include design updates to address the issues raised by MHD.

The DEIR included a site drainage report that indicates that all stormwater runoff will be collected via a conventional closed pipe system and conveyed to one or two retention ponds located on site. MHD has stated that the report demonstrates that the site stormwater runoff is unlikely to impact the state highway drainage system.

Route 146 at Site Drive

In the section of Route 146 where the project is located, the highway has a median. Consequently, the site drive must be designed as a right in-right out driveway. The analysis of the project at Full Build has indicated that the driveway exit will operate at a LOS 'C' during both the morning and afternoon peak hours.

Route 146 at Central Turnpike on/off ramps

The analysis contained in the DEIR showed that the Route 146 interchange off-ramps with Central Turnpike are estimated to operate at an acceptable LOS B during the morning peak hour. Under Build conditions, the analysis showed that LOS 'C' would be experienced. During the PM peak hour, the Northbound off-ramp was estimated to operate at LOS 'D' and a LOS 'F' was calculated for the Southbound off-ramps.

Route 146 at Boston Road

Boston Road is a two-way roadway that intersects Route 146 from east and west to form a four-approach signalized intersection. Each approach has multiple lanes that include exclusive turn lanes. At its intersection with Route 146, commercial land uses exist. There are two unrelated development projects occurring in the vicinity of this intersection. These include the Sutton Plaza Expansion (EEA#13854) and the Cold Spring Brook (EEA #13249) development. Those two projects will share responsibilities in constructing improvements at this intersection.

The intersection of Route 146 was analyzed with Boston Road assuming the existing configuration. Currently, this intersection experiences delay, and it will continue to operate at the same level of service under Build condition as under the No-Build condition during study peak periods with increased delays for some approaches anticipated.

An analysis was also completed for Build conditions with planned improvements made at the Route 146/Boston Road intersection. This showed that anticipated conditions will be significantly improved over the unimproved conditions. The proposed Atlas Box project will be accommodated at this intersection, again with minimum change between the No-Build and Build conditions.

Transportation Demand Management Measures

The DEIR did not address the request to investigate and recommend for implementation Transportation Demand Management (TDM) Measures. The FEIR must address this issue as specifically outlined in MHD's letter during the review of the original Environmental Notification Form (ENF) and reiterated in MHD's comment's on the DEIR.

Construction Period Impacts

The DEIR included a discussion of construction phasing, evaluation of potential impacts associated with construction activities, and proposed feasible measures to avoid or eliminate these impacts. I advise the Proponent that the project must comply with MassDEP's Solid Waste and Air Quality Control regulations during construction. I encourage the Proponent to work with MassDEP to implement construction-period diesel emission mitigation through its Diesel Retrofit Program.

Mitigation

The DEIR contained a separate chapter on mitigation measures. The chapter on mitigation included a draft Letter of Commitment for use by MHD as its Section 61 Finding. The FEIR should contain a separate chapter on mitigation measures. It should include updated Draft Section 61 Findings for 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. A schedule for the implementation of the mitigation, based on the construction phases of the project, should also be included.

In the DEIR, the proponent has committed to provide the several mitigation measures listed below.

- It is recommended that an acceleration lane as well as a deceleration lane, each approximately 750 feet long, be provided for safe access/egress at the site. The site drive approach to the acceleration lane to the Route 146 northbound is recommended to be controlled by a "STOP" sign. The design of the acceleration/deceleration lanes will conform to MHD's standards and will take into account the long range plans for Route 146 in this area. The design will also need to take into account abutting properties. Analysis of the merge lane indicated that it will operate acceptably under full build conditions.
- The site drive design is proposed to incorporate a raised delta island that meets MHD's design standards in order to better guide motorists on entering and exiting the site.
- As indicated in the *Traffic Section* of this Certificate, the design of the site drive takes into account the long range improvement plans for Route 146 in the project area, which may require alterations to the right-of-way along the site's frontage. The Proponent has committed to work with MHD as the long range plan advances.
- Any grading, landscaping, and signing proposed at the Site Drive intersection with Route 146 will be designed and maintained to not inhibit or constrain sight distances relative to the driveway.

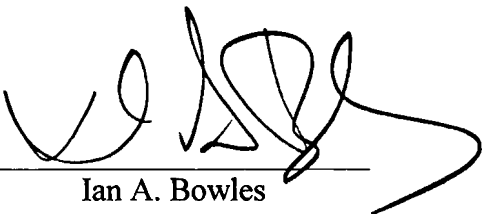
Response to Comments

In order to ensure that the issues raised by commenters are addressed, the FEIR should include a response to comments. This directive is not intended to, and shall not be construed to enlarge the scope of the FEIR beyond what has been expressly identified in the initial scoping certificate or this Certificate.

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 Sutton officials. Copies of the FEIR should be made available for public review at the Sutton Public Library.

October 17, 2008
Date



Ian A. Bowles

Comments received:

- 10/10/2008 Executive Office of Transportation
- 10/14/2008 Department of Environmental Protection, Central Regional Office

IAB/ACC/acc