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December 1, 2006

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

PROJECT NAME : North Bedford Street Business Park
PROJECT MUNICIPALITY : East Bridgewater
PROJECT WATERSHED : Taunton
EOEA NUMBER : 13888
PROJECT PROPONENT : **Equity Industrial Partners**
DATE NOTICED IN MONITOR : October 10, 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). 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 December 6, 2006 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 consists of a mixed-use development, including 785,000 square feet (sf) of development space and associated infrastructure on a 122-acre site. The proposed Phase I includes a 70,000 sf medical building and 350 parking spaces on an 8-acre portion of the site. The Phase II development consists of 715,000 sf of development (including 15,000 sf retail, 150,000 sf office, 130,000 sf manufacturing, and 420,000 sf of warehouse space) and 1,575 parking spaces. An on-site wastewater treatment and disposal facility (WWTF) is proposed for Phase II, which will be designed to handle flows of up to 44,000 gallons per day and incorporate Phase I flows. Project impacts at full build-out include approximately 58 acres of land alteration and 48 acres of new impervious area (for a total of 82 acres of land alteration and 65 acres of impervious area including the existing development on-site). The project as proposed in the ENF will result in alteration of wetlands buffer zone but no direct alteration of wetlands resource areas is proposed. Traffic impacts associated with the project are estimated at 9,930 vehicle trips per day at full build-out and the project includes construction of 1,925 parking spaces (for a total of 2,775 parking spaces including 350 for Phase I, 1,575 for Phase II and the existing 850 spaces). Access to the project site is proposed from Route 18/North Bedford Street and Highland Street.

The project is undergoing MEPA review and is subject to a mandatory EIR pursuant to Section 11.03 (1)(a)(1) and (2) of the MEPA regulations because it involves alteration of 50 acres or more of land and creation of 10 or more acres of impervious area, and pursuant to Section 11.03(6)(b)(a)(6) and (7) because it will result in generation of 3,000 or more new average daily trips (adt) and construction of 1,000 or more new parking spaces.

The project requires an Access Permit from the MassHighway Department (MHD) for access onto Route 18. Other permits required include a Groundwater Discharge Permit from the Department of Environmental Protection (MassDEP). The project may also require a Water Supply Distribution System Modification Permit from MassDEP. The project requires an Order of Conditions from the Town of East Bridgewater (and, on appeal only, a Superseding Order from MassDEP). The project may require pre-construction permits pursuant to MassDEP Air Quality Control Regulations. 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, air quality, wastewater, wetlands, water supply, land, stormwater and drainage.

SCOPE

General

The proponent should prepare a Draft EIR (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, a copy of each comment letter received and a response to all comments received. A Project Summary in clear non-technical language should be included in the DEIR. This section of the document should summarize the project, alternatives analyzed, the type and extent of potential impacts, and proposed mitigation measures. It should also include a list of permits required and a timetable and cost estimate for the project. The DEIR should provide an update on any changes in the project since the filing of the ENF.

The DEIR should include a description of all aspects of the project and a schedule for construction and other development activities. The DEIR should also include maps and plans at a reasonable scale that clearly locate and delineate project elements, surface water and wetlands resources and buffer zones, areas proposed for conservation restriction, adjacent land uses, and any water supply protection districts on or adjacent to the project site.

The DEIR should discuss the project's consistency with the Old Colony Planning Council's 2000 Regional Land Use and Transportation Policy Plan. The DEIR should also

discuss consistency with local open space plans and describe how the project will be designed to maximize undisturbed open space and minimize habitat fragmentation.

Alternatives

The alternatives analysis should include the no-build alternative, which should clearly describe baseline conditions, and a reduced-build alternative that demonstrates a significant reduction in land alteration and impervious area (compared with the plan proposed in the ENF). The DEIR should provide a rationale for the selection of the preferred alternative and the elimination of other alternatives. The DEIR should include an evaluation of Low Impact Development (LID) techniques and other sustainable design alternatives and describe how LID will be incorporated in project design to the maximum extent feasible. The LID alternative should consider clustering of buildings and site configurations to maximize retention of undisturbed and unfragmented habitat areas. The alternatives analysis should also consider design modifications to ensure an adequate buffer of trees and vegetation between residential areas and the proposed development,

The alternative analysis should include a clear comparison of the impacts of each alternative and its project components (including but not limited to acres of land use and alteration, volume of earthwork, impervious area, wetlands resource areas and buffer zones, undisturbed open space/habitat, water use and wastewater generation, traffic and parking).

The DEIR should consider sustainable development alternatives as mitigation measures for project impacts, including impacts associated with construction and land use, traffic, and building operations. I strongly encourage the proponent to require Leadership in Environmental Design (LEED) Certification for new construction. The incorporation of high performance/green building elements in project design will help reduce the environmental footprint of the final project in terms of energy and water consumption, ambient and indoor air quality, habitat alteration, and resource consumption.

Transportation

The ENF included a limited traffic study that generally conforms to EOEA/EOT Guidelines for EIR/EIS Traffic Impact Assessments. The Draft EIR (DEIR) should include a revised traffic study that addresses the cumulative impacts of both phases of the project, and expand the study area to include the Route 18/Central Street intersection, the Route 18/Spring Street intersection, and all other intersections on Route 18 between Highland Street and Central Street. The DEIR should include clear commitments to implement mitigation measures and describe the timing of implementation based on project phases. The DEIR should describe plans for traffic monitoring to determine when traffic signalization or other mitigation is warranted.

The DEIR should include a capacity analysis and summary of average and 95th percentile vehicle queues for each intersection within the study area. The DEIR should include conceptual plans for proposed roadway improvements, which should be of sufficient detail, preferably 80-scale, to verify the feasibility of constructing the proposed improvements. The conceptual plans should clearly show proposed lane widths and offsets, layout lines and jurisdiction, and land uses

(including access drives) adjacent to areas where improvements are proposed. Any proposed mitigation within state highway layout should conform to MHD standards as further detailed in the Executive Office of Transportation (EOT) comment letter.

The DEIR should include a comprehensive Transportation Demand Management (TDM) plan that incorporates all feasible measures to reduce site trip generation. The TDM plan should include specific measures that have been successful in reducing trip generation for similar sites. The ENF noted that the project site is located approximately five miles from the Massachusetts Bay Transportation Authority (MBTA) Bridgewater commuter rail station and two miles from the Whitman MBTA station. The DEIR should identify existing modes of transport (such as walking, bicycling, public bus routes) in the project area and along the corridor between the project site and commuter rail stations, and analyze their existing and future conditions based on project impacts. The TDM plan in the DEIR should propose improvements to promote use of walking, bicycling and public transit as alternatives to reduce traffic impacts associated with the project. The DEIR should include a proposed monitoring and evaluation plan to track project-related traffic impacts and inform the development of the TDM program.

The DEIR should provide an update on the local permitting process with respect to state highway issues. I encourage the proponent to meet with the EOT Public/Private Development Unit and the MHD District 5 Office during preparation of the DEIR.

Air Quality

The DEIR should include the results of a meso-scale analysis and discuss consistency with the State Implementation Plan (SIP). The proponent should consult with MassDEP regarding area study boundaries and modeling parameters. If the meso-scale analysis indicates that the project will result in an increase in Volatile Organic Compounds (VOC) and Nitrogen Oxide (NOx) emissions, the proponent should develop mitigation measures and conduct an analysis for the Build-with-Mitigation condition in the project design year. The DEIR should describe air quality mitigation commitments. The proponent should also consult with MassDEP regarding 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.

Parking

According to the ENF, a total of 2,775 parking spaces are proposed at full build-out. The DEIR should include a parking needs assessment and provide information that justifies the proposed number of parking spaces. The DEIR should identify opportunities to minimize the amount of parking and impervious area.

Stormwater and Drainage

The DEIR should include a detailed drainage analysis and stormwater management plan. The DEIR should describe existing conditions and analyze impacts associated with changes in

site topography and drainage patterns. The DEIR should compare pre-development and post-development conditions and discuss any changes anticipated in the context of wetlands ecological functions, surface water resources, potential flooding issues, and connections to the state highway drainage system. The DEIR should describe how stormwater drainage and run-off will be managed to avoid adverse impacts during construction and operational phases of the project. As recommended by EOT in its comment letter, every effort should be made to maximize the retention and infiltration of storm water runoff on-site, and connections to the state highway system should be avoided if possible.

The DEIR should include a detailed description of the proposed stormwater management system, including the size and location of its components. The DEIR should discuss operations and maintenance plans, and clarify responsibility for long-term management of the system. The DEIR should describe alternative designs (for overall site planning and the stormwater management system) in order to incorporate LID techniques and avoid adverse impacts to hydrological systems both on and off-site. The DEIR should provide clear commitments to implement mitigation measures relating to stormwater and drainage impacts.

Water Supply

The DEIR should provide details on the combined water demand for Phase I and II, which should be broken down by use (e.g. potable, boilers, cooling towers, irrigation etc.). The DEIR should identify the source(s) of water for the project. If water is to be supplied from the East Bridgewater Water Department, the DEIR should describe how the proposed water demand will affect the Town's Water Management Act (WMA) authorizations. The DEIR should include a water conservation plan that addresses potable water and irrigation uses. If any on-site wells are proposed, the DEIR should indicate well locations on the site plans and analyze potential impacts of withdrawals on wetlands and surface waters. The DEIR should clarify whether the project requires a Water Supply System Distribution Modification Permit from MassDEP.

Wetlands

The DEIR should quantify, and locate on site plans, any wetlands or buffer zone impacts. Site plans in the DEIR should delineate wetlands resource areas (including any riverfront area) and buffer zone boundaries. The DEIR should include clearly labeled plans/graphics that show the proposed development and alternatives superimposed on existing conditions so that potential wetlands impacts can be clearly identified.

Wastewater

The proposed project will generate approximately 44,400 gpd of wastewater flow that will be treated and discharged on-site. As noted in the MassDEP comment letter, the proponent has not demonstrated that the site is capable of receiving such a discharge. The proponent should consult with MassDEP regarding any additional hydrogeological work that may be needed. The DEIR should discuss the results of hydrogeological studies and provide sufficient information to demonstrate the feasibility of the proposed on-site wastewater treatment and disposal facility (WWTF). The DEIR should provide an update on consultations with MassDEP. Site plans

should indicate the location of the proposed WWTF and discuss alternative locations considered and justify selection of the proposed location. The DEIR should describe the proposed WWTF and discuss plans to tie in flows from Phase I.

The DEIR should clarify if the project will generate industrial wastewater (IWW) and if so, how this will be handled to comply with MassDEP regulations and permitting requirements. As noted in the MassDEP comment letter, discharge of IWW to an on-site sanitary system is prohibited.

Construction

The DEIR should include a draft construction management plan (CMP) describing best management practices (BMPs) that will be used to avoid and minimize adverse environmental impacts. The CMP should address potential impacts and mitigation relating to land disturbance, blasting, noise, dust, odor, nuisance, vehicle emissions, construction debris, and construction-related traffic. The DEIR should discuss plans for reuse and recycling of construction materials. I strongly encourage the proponent to commit to diesel retro-fit and use of low sulfur fuel to reduce air quality impacts associated with construction equipment. The DEIR should describe how the project will comply with air quality control regulations and the MassDEP noise policy.

As further detailed in the MassDEP comment letter, there are three former disposal sites located in the immediate vicinity of the proposed project. The DEIR should identify these on site plans and discuss their status and any implications for the proposed project.

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 for new construction;
- water conservation and reuse of wastewater and stormwater;
- ecological landscaping;
- 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 and Section 61 Findings

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. The proposed Section 61 Findings 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

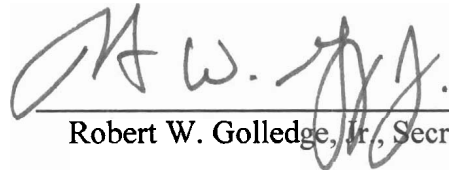
The DEIR should respond to the comments received on the ENF to the extent that they are within MEPA jurisdiction. The proponent should use either an indexed response to comment format, or direct narrative response. The DEIR should present any additional narrative or quantitative analysis necessary to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

Circulation

The DEIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should be sent to the list of "comments received" below and to any agency from which the project will seek a permit or approval. A copy of the DEIR should be made available for public review at the Town of East Bridgewater Public Library.

December 1, 2006

DATE


Robert W. Golledge, Jr., Secretary

Comments received

- 11/16/06 Department of Environmental Protection
- 11/23/06 Executive Office of Transportation
- 11/27/06 Old Colony Planning Council

RWG/AE/ae