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December 19, 2007

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

PROJECT NAME: Pittsfield Plaza Renovation
PROJECT MUNICIPALITY: Pittsfield
PROJECT WATERSHED: Housatonic
EEA NUMBER: 14131
PROJECT PROPONENT: Pittsfield Plaza Members, LLC
DATE NOTICED IN MONITOR: November 12, 2007

Pursuant to the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and Section 11.11 of the MEPA Regulations (301 CMR 11.00), I have reviewed this project and hereby determine that it **does not require** further MEPA review. In a separate Decision also issued today, I have proposed to grant a Waiver from the requirement to prepare a Mandatory Environmental Impact Report for the project. This Certificate sets forth the issues that must be addressed by the proponent during permitting and discusses recommendations that were submitted on the project during the MEPA comment period.

Project Description

As outlined in the Expanded Environmental Notification Form (EENF), the project involves the renovation of the Pittsfield Plaza shopping center located at 434-460 West Housatonic Street (Route 20) in Pittsfield, MA. The site is currently occupied by a 105,625 square foot (sf) building with several retail tenants and an expanse of parking area. The building and the parking lot were constructed in the early 1960s. The Plaza is partially occupied at this time but portions of the building are in disrepair. The project site is bound to the north by an

active rail line, to the east by residential properties, to the south by West Housatonic Street, and to the west by Maloy Brook. A portion of the existing building and pavement is in the Riverfront Area. The flood zone for Maloy Brook extends throughout the parking lot; the elevation of the existing building is slightly above the 100-year flood zone.

The Proponent proposes to renovate the building and demolish the entire parking area. The Proponent will reduce the number of parking spaces at the site from 600 to 430 and will install planted islands. The Proponent also proposes to construct a small building addition (3,750 sf) and a restaurant (5,600 sf). The site is currently serviced by a wide unsignalized intersection with a center island and a steep one-way in west bound driveway. The Proponent proposes to reconstruct the main entrance and move the intersection easterly away from Maloy Brook to align more closely with the entrance to an existing McDonald's restaurant across from the Plaza. The one-way in westbound entrance to the Plaza will be closed. The Proponent will install a traffic signal at the new intersection.

Jurisdiction

The project is subject to a mandatory Environmental Impact Report (EIR) pursuant to Section 11.03 (6)(a)(6) of the MEPA regulations because it will generate more than 3,000 new daily vehicle trips. The project will require a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the U.S. Environmental Protection Agency (EPA); an Access Permit from the Massachusetts Highway Department (MassHighway); a permit from the Executive Office of Transportation (EOT) for construction work within the railroad right-of-way; an Order of Conditions from the Pittsfield Conservation Commission; Special Permits from the Pittsfield City Council and Community Development Board; and Site Plan Approval from the Pittsfield Community Development Board.

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 permits with the potential to cause Damage to the Environment. The City of Pittsfield Conservation Commission has already issued the Order of Conditions (OOC) for the project (DEP #263-888), which was not appealed. Therefore, MEPA does not have jurisdiction over wetlands or stormwater. In this case, MEPA jurisdiction on this project extends to traffic.

Traffic

According to the Proponent, the project is estimated to generate approximately 7,542 new vehicle trips per day over current levels. The Proponent has documented the project's traffic impacts in a Traffic Impact and Access Study (TIAS) that was submitted with the EENF and in supplemental materials provided to the MEPA office and distribution list. MassHighway has stated that the TIAS was prepared in compliance with the Executive Office of Energy and Environmental Affairs (EEA)/Executive Office of Transportation (EOT) Guidelines for EIR/EIS Traffic Impact Assessments. In its comments on the EENF, EOT/MassHighway states that the increased traffic from the proposed project will be adequately mitigated by proposed

improvements to the state highway. The following mitigation measures are proposed:

- The Proponent will install a traffic signal at the intersection of Route 20/Site Driveway/McDonald's. The approach geometry of the traffic signal will be as follows: Eastbound Route 20 – one shared through/right and 1 exclusive left; westbound Route 20 – one shared through/right lane with a painted median island; northbound McDonald's exit – one exclusive left lane and one exclusive right lane; southbound site drive – one shared through/left and one exclusive right. A minimum 4 foot shoulder shall remain along Route 20. The Proponent should investigate the feasibility of synchronizing the traffic signal at the proposed site drive with the traffic signal that is proposed for construction at the intersection of Route 20/Barker Road.
- The site drive will be relocated so that it aligns with the westernmost McDonald's (entry only) driveway.
- The left turn into the site drive will run as a protected/permitted left with a right turn overlap from the Plaza while the site drive and McDonald's exit drive will run as split phased side streets.
- The Proponent will install a crosswalk across West Housatonic Street. The traffic signal will include an exclusive pedestrian phase.
- To the west of the site, Route 20 will be restriped so that there is a two-way left turn lane between Gale Avenue and the site.
- All changes outlined above will require pavement modifications including limited widening and cold planning/resurfacing in order to get the lane widths and reconfigurations correct.
- The Proponent will replace sidewalks and curbing on the north side of Route 20.
- The Proponent has committed to working with the Berkshire Regional Transit Authority (BRTA) to provide bus service to the site. I strongly encourage the Proponent to provide a bus turnout within the site to accommodate transit users and to post BRTA bus schedules and information at the site.

As a condition of the DROD issued today, I have required that the Proponent prepare and distribute additional information regarding transportation mitigation and transportation demand management measures for the project. Pending the submittal of this additional information, I find that the remaining details of site access and traffic impact issues can be addressed during the permitting process.

Air Quality

The significant number of projected new daily vehicle trips has triggered MassDEP's requirement that the proponent conduct an air quality mesoscale analysis to determine if the proposed project will increase the amount of volatile organic compounds (VOCs) and nitrogen oxides (NOx) in the project area. The mesoscale analysis will also be used to determine if the project will be consistent with the Massachusetts State Implementation Plan (SIP). For the mesoscale analysis, the Proponent must conduct an analysis of all roadway segments affected by the project, specifically the area within a 0.3 to 16 kilometer (km) radius of the project; the exact geographical area depends on local conditions and the impact of a project on area travel patterns.

The area should be large enough to include all roadway links that could experience a 10% potential increase in traffic and which currently operate at or, will be degraded to, a Level of Service (LOS) D or lower.

The Proponent should consult with MassDEP staff to determine the boundaries of each of the project alternatives, including the Existing condition in the Base Year, and the No-Build, Build and Build-with-Mitigation conditions in the project completion and project design years. The Proponent should use the current emission model, MOBILE 6.2, to conduct the analysis. If the mesoscale analysis indicates an increase in VOC and NOx emissions, the Proponent must develop mitigation measures to offset the increase.

As noted in the Draft Record of Decision (DROD) issued today on the project, the Proponent must conduct the air quality analysis per MassDEP's guidance and submit its results to MEPA, MassDEP and to any parties who received a copy of the EENF, in advance of this office issuing the Final Record of Decision. The Proponent should commit to implementing Transportation Demand Management (TDM) measures aimed at reducing site trips and offsetting emission increases. The Proponent should note TDM measures outlined in MassDEP's comment letter on the EENF.

The project will also need to comply with the Massachusetts Rideshare Regulation and the Massachusetts Idling Regulation. The Proponent should note comments from MassDEP regarding suggested delivery restrictions for trucks and construction period air quality mitigation measures.

Drainage/Wetlands

Almost the entire project site is located within the 100-year flood plain (Bordering Land Subject to Flooding) of Maloy Brook. In addition a significant portion of the building and parking lot are within the Riverfront Area. The existing site does not have a stormwater management system; stormwater is currently piped and discharged untreated into the brook. The project involves reconstruction of the parking lot and the installation of a new stormwater management system. The proposed stormwater management system was reviewed by the Pittsfield Conservation Commission during the Notice of Intent review. The Proponent has met with the BRPC to discuss the Commission's concerns regarding stormwater management at the site. According to BRPC's comment on the EENF, the Proponent has indicated its willingness to incorporate several improvements into the design of the stormwater management system. I strongly encourage the Proponent to implement all of the design considerations outlined in BRPC's letter. The Proponent should consider employing Low Impact Development (LID) techniques that will help reduce peak flows and facilitate groundwater recharge.

Hazardous Waste

The project site is currently undergoing a Release Abatement Measure (RAM) to assess reported groundwater and soil contamination due to an oil and hazardous materials release (RTN

1-16621). The Proponent should continue to consult with MassDEP regarding assessment and remediation activities required under the Massachusetts Contingency Plan.

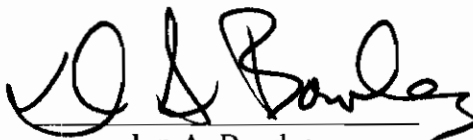
As noted by MassDEP in the Department's comments on the EENF, all construction and demolition activity at the site must conform to current Air Pollution Control and Solid Waste Management Regulations.

Conclusion

Based on a review of the information provided by the proponent and after consultation with the relevant public agencies, I find that the potential impacts of this project do not warrant further MEPA review. Outstanding issues may be addressed during the permitting process.

I have also issued today a Draft Record of Decision (DROD) proposing to grant a Waiver from the requirement to prepare an EIR for the project. The DROD will be published in the next edition of the Environmental Monitor on December 24, 2007 in accordance with 301 CMR 11.15(2), which begins the public comment period. The public comment period lasts for 14 days and will end on January 7, 2008. Based on written comments received concerning the DROD, I shall issue a Final Record of Decision or a Scope within seven days after the close of the public comment period, in accordance with 301 CMR 11.15(6). If the Full Waiver is not approved based on comments received on the DROD, then this Certificate on the EENF will be re-issued with a Scope for an EIR.

December 19, 2007
Date



Ian A. Bowles

Comments received:

12/3/2007	LADA, P.C., for the Proponent
12/6/2007	Berkshire Regional Planning Commission
12/10/2007	Executive Office of Transportation
12/12/2007	City of Pittsfield, Department of Community Development
12/12/2007	Department of Environmental Protection, Western Regional Office

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