



The Commonwealth of Massachusetts

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February 13, 2004

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DRAFT RECORD OF DECISION

PROJECT NAME : Intermodal Transportation Center/Union
Park Plaza Urban Renewal Plan

PROJECT MUNICIPALITY : Union Street - Attleboro

PROJECT WATERSHED : Ten Mile River

EOEA NUMBER : 13171

PROJECT PROPONENT : Greater Attleboro Taunton Regional
Transit Authority/Attleboro
Redevelopment Authority

DATE NOTICED IN MONITOR : January 7, 2004

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (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 propose to grant a Phase I Waiver (as defined below), allowing the first phase of the project to proceed to the state permitting agencies prior to completion of the Environmental Impact Report (EIR) for the entire project.

Project Description

As described in the Expanded Environmental Notification Form (ENF), the project consists of the construction of 555,700 square foot (sf) Attleboro Intermodal Transportation Center (AITC) consisting of a 5,000 sf bus terminal, 5,000 sf service area, 761-space(250,539 sf) parking garage, 22,000 sf of retail space, 20,000 sf of restaurant space, 15,600 sf of classroom and meeting space, a 61,400 sf ice rink, and 100 units(173,360 sf) of residential housing in two phases. Phase I would include the approval of the Union Park Plaza Urban Renewal Plan Amendment #2 by the Massachusetts Department of Housing and Community Development (MDHCD) and allow the Attleboro Redevelopment Authority (ARA) to assemble the project site and complete project planning. Phase II will include site demolition, site preparation, and the construction of AITC. The parking garage will have two access and egress points. The site contains about 87,540 sf of existing space, which will be demolished to make way for the AITC. The project will realign Mill Street and the

Mill/Union/Dunham Streets intersection. The project site contains about 6 acres.

The project will consume approximately 50,721 gallons per day (gpd) of water, and generate about 41,770 gpd of wastewater. The proponent proposes to receive water and wastewater service from the City of Attleboro. No wetland resource areas are proposed for impacts.

Categorical Inclusion

The project is included for the preparation of a mandatory EIR pursuant to Section 11.03(6)(a)(6) of the MEPA regulations because it generates 3,000 or more new trips. The Certificate with the Scope for the EIR was issued on February 13, 2004.

Jurisdiction

The project will require the approval of a Major Modification to the existing Union Park Plaza Urban Renewal Plan Amendment #2 from the Massachusetts Department of Housing and Community Development (MDHCD). It will require a Sewer Connection/ Extension Permit from the Department of Environmental Protection (DEP). The project will need to undergo review by the Massachusetts Historical Commission (MHC), in accordance with M.G.L. Chapter 9, Sections 26-27C, as amended by Chapter 254 of the Acts of 1988 (950 CMR 71.00). It must comply with the U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges. It may also require Traffic Signal Permits from the Massachusetts Highway Department (MHD). Because the proponent is seeking State Transportation Bonds for the project, MEPA jurisdiction extends to all aspects of the project that may have significant environmental impacts.

Waiver Request

On December 31, 2003, the proponent requested that I grant a waiver to allow Phase I of the project to proceed in advance of completion of the EIR. The waiver request was submitted with the Expanded ENF, and it was discussed at the consultation/scoping session that was held on January 23, 2004. As proposed, Phase I consists of the approval of the Union Park Plaza Urban Renewal Plan Amendment #2 by MDHCD, which would allow the ARA to assemble the project site parcels. No construction would occur.

Criteria for a Phase I Waiver

Section 11.11 of the MEPA Regulations provides that the Secretary may waive any provision or requirement of 301 CMR 11.00 not specifically required by MEPA, and may impose appropriate and relevant conditions or restrictions, provided that the Secretary finds that strict compliance with the

provision or requirement would: a) result in undue hardship to the proponent, unless based on delay in compliance by the proponent; and b) not serve to minimize or avoid damage to the environment.

In the case of a partial waiver of a mandatory EIR review threshold that would allow the proponent to proceed to Phase I of the project prior to preparing an EIR, this finding shall be based on one or more of the following circumstances: 1) the potential environmental impacts of Phase I are insignificant; 2) ample and unconstrained infrastructure and services exist to support Phase I; 3) the project is severable, such that Phase I does not require the implementation of any other future phases; and 4) the agency action on Phase I will contain conditions that ensure due compliance with MEPA.

Findings

Based upon the information submitted by the proponent and after consultation with the relevant state agencies, I find that:

1. The potential impacts of the project (traffic, water, wastewater, stormwater) for Phase I are insignificant. There will be no physical changes to the site as a result of Phase I activities, which are limited to site acquisition and business relocation.
2. Ample and unconstrained infrastructure exist.
3. The project is severable. The proponent is proposing to assemble the project site utilizing MGL c.121B as an amendment to an approved urban renewal plan. No construction is proposed.
4. The proponent has committed to comply with the MEPA regulations and process before proceeding with any construction by completing a Single EIR.

Based on these findings, it is my judgment that the waiver request has merit and meets the tests established in Section 11.11. Therefore, I propose to grant the Phase I waiver requested for this mixed-use development, subject to the above findings. This Draft Record of Decision shall be published in the next issue of the *Environmental Monitor* for a fourteen-day comment period, after which I shall reconsider, modify, or confirm the waiver.

Date

Ellen Roy Herzfelder

cc: Sharon Stone, DEP/SERO

Comments received:

GATRA, 1/7/04

MBTA, 1/30/04

MHC, 2/5/04

SRPEDD, 2/6/04

DEP/SERO, 2/6/04

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ERH/WTG