

For Office Use Only
 Executive Office of Environmental Affairs
 EOE No.: 14024
 MEPA Analyst: Deirdre Buckley
 Phone: 617-626-1044

ENF Environmental Notification Form

The information requested on this form must be completed to begin MEPA Review in accordance with the provisions of the Massachusetts Environmental Policy Act, 301 CMR 11.00.

Project Name: Independence Mall THEATERY Project		
Street: 101 Independence Mall Way		
Municipality: Kingston	Watershed: Smelt Brook Drainage Basin/South Shore Coastal	
Universal Transverse Mercator Coordinates:	Latitude: 41 58' 15.29" Longitude: 70 43' 09.77"	
Estimated commencement date: 12/01/2007	Estimated completion date: 03 /01/2008	
Approximate cost: \$10,000,000	Status of project design: 60%complete	
Proponent: Independence Center, L.L.C.		
Street: 101 Independence Mall Way		
Municipality: Kingston	State: MA	Zip Code: 02364
Name of Contact Person From Whom Copies of this ENF May Be Obtained: George M. Mariani		
Firm/Agency: Sanford Ecological Services	Street: 30 Turnpike Road	
Municipality: Southborough	State: MA	Zip Code: 01772
Phone: (508) 460-9900	Fax: (508) 481-2009	E-mail: GMARIANI@MSN.COM

- Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)?
 Yes No
- Has this project been filed with MEPA before?
 Yes (EOEA No. _____) No
- Has any project on this site been filed with MEPA before?
 Yes (EOEA No. 6600 _____) No
- Is this an Expanded ENF (see 301 CMR 11.05(7)) requesting:
- a Single EIR? (see 301 CMR 11.06(8)) Yes No
 - a Special Review Procedure? (see 301 CMR 11.09) Yes No
 - a Waiver of mandatory EIR? (see 301 CMR 11.11) Yes No
 - a Phase I Waiver? (see 301 CMR 11.11) Yes No

Identify any financial assistance or land transfer from an agency of the Commonwealth, including the agency name and the amount of funding or land area (in acres): NONE

Are you requesting coordinated review with any other federal, state, regional, or local agency?
 Yes (Specify _____) No

List Local or Federal Permits and Approvals: **Kingston Planning Board Approval, Kingston Board of Water Commissioners and Water Quality Committee Approval, Kingston Zoning Board of Appeal, Kingston Conservation Commission, US EPA NPDES General Construction Storm Water Permit**

Which ENF or EIR review threshold(s) does the project meet or exceed (see 301 CMR 11.03):

- | | | |
|---------------------------------|---------------------------------------|--|
| <input type="checkbox"/> Land | <input type="checkbox"/> Rare Species | <input type="checkbox"/> Wetlands, Waterways, & Tidelands |
| <input type="checkbox"/> Water | <input type="checkbox"/> Wastewater | <input checked="" type="checkbox"/> Transportation |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Air | <input type="checkbox"/> Solid & Hazardous Waste |
| <input type="checkbox"/> ACEC | <input type="checkbox"/> Regulations | <input type="checkbox"/> Historical & Archaeological Resources |

Summary of Project Size & Environmental Impacts	Existing	Change	Total	State Permits & Approvals
LAND				<input type="checkbox"/> Order of Conditions <input type="checkbox"/> Superseding Order of Conditions <input type="checkbox"/> Chapter 91 License <input type="checkbox"/> 401 Water Quality Certification <input checked="" type="checkbox"/> MHD or MDC Access Permit <input type="checkbox"/> Water Management Act Permit <input type="checkbox"/> New Source Approval <input type="checkbox"/> DEP or MWRA Sewer Connection/ Extension Permit <input checked="" type="checkbox"/> Other Permits <i>(including Legislative Approvals) – Specify:</i> Ground Water Discharge Permit
Total site acreage	208.5 acres			
New acres of land altered		7.0		
Acres of impervious area	98.8 acres	4.2 acres	103.0 acres	
Square feet of new bordering vegetated wetlands alteration		NONE		
Square feet of new other wetland alteration		NONE		
Acres of new non-water dependent use of tidelands or waterways		NONE		
STRUCTURES				
Gross square footage	819,065 S.F.	110,935 S.F.	930,000 S.F.	
Number of housing units	NA	NA	NA	
Maximum height (in feet)	40 feet	25 feet	65 feet	
TRANSPORTATION				
Vehicle trips per day	40,033	3,759	43,792	
Parking spaces	4076	151	4227	
WATER/WASTEWATER				
Gallons/day (GPD) of water use	44,482 GPD	5,972 GPD(1)	50,454 GPD	
GPD water withdrawal	NA	NA	NA	
GPD wastewater generation/ treatment	73,347 GPD(2)	42,212 GPD(3)	115,559 GPD	
Length of water/sewer mains (in miles)	NA	NA	NA	

- (1) Based on current water usage rate
- (2) Based on Title V for existing mall size
- (3) Based on Title V flow for new square footage

CONSERVATION LAND: Will the project involve the conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97?

- Yes (Specify _____) No

Will it involve the release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction?

Yes (Specify _____) No

RARE SPECIES: Does the project site include Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities?

Yes No

HISTORICAL /ARCHAEOLOGICAL RESOURCES: Does the project site include any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

Yes (Specify _____) No

If yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources?

Yes (Specify _____) No

AREAS OF CRITICAL ENVIRONMENTAL CONCERN: Is the project in or adjacent to an Area of Critical Environmental Concern?

Yes (Specify _____) No

PROJECT DESCRIPTION:

The project site, known as Independence Mall, is situated on 208.5 acres of land in Kingston and Plymouth, Massachusetts adjacent to the Route 3/Smith Lane Interchange (Exit 8), as shown in Attachment 1 (U.S.G.S. Locus Map). Independence Mall is a regional shopping mall that houses three department stores, a theater complex, two restaurants and specialty shops and is comprised of 819,065 square feet of gross leased area (See Attachment 2 - Existing Site Conditions Plan).

The proposed "theatery" project involves the construction of a new Regal Cinema complex, restaurants and specialty shops at the Independence Mall. The new "theatery" complex will have two levels and will include additional screens and will connect the cinema to restaurants and other attractions to offer its patrons a wider range of services within the entertainment venue. The proposed theatery complex will be located along the western side of the existing mall in an area that currently houses retail shops and associated parking (See Attachment 3 - Plan of Proposed Work). The proposed project will increase the total gross leased space by 110,935 square feet to 930,000 square feet.

The site is currently zoned as Commercial (C). Two alternatives were considered: no construction on the site and an enlargement of the existing cinema complex at a different location within the mall. Under the no-build alternative, proposed project benefits relating to traffic improvements would not be realized for the area. Expansion of the existing cinema complex is constrained by the need to minimize the amount of additional development within the on-site Water Resource District, design considerations regarding the management of stormwater, available land to accommodate a new retention basin and parking requirements. These constraints make the proposed alternative the only practicable alternative.

The proposed project has been designed to minimize the amount of additional impervious area to accommodate the expansion by keeping the Theatery and parking mostly within existing developed footprint. As a result, all work associated with the proposed project will be outside the limits of wetland resources and their associated Buffer Zones.

A Traffic Impact and Access Study (TIAS) has been conducted evaluate existing conditions and to determine potential impacts associated with the proposed expansion. This study examined the traffic flows and intersection operations along the major access routes to the Independence Mall and how they are affected by the proposed project. A growth factor was employed to create a 2011 future no-build scenario, and two other "potential" development projects (including a recently approved 40R zoning district), were added to background conditions to complete the analysis. The analysis shows that proposed signal timing changes will reduce delays and queues and will result in improved conditions over existing conditions. This

study and its recommendations are currently under review by Mass Highway and the Town of Kingston.

Subject to the issuance of a Special Permit from Planning Board, an additional 151 parking spaces will be provided within the existing developed footprint of the mall to serve the new theatery complex.(See Attachment 3 - Plan of Proposed Work). This will require the relocation and upgrading of a stormwater retention basin and re-alignment of the existing gravel road located along the western side of the mall (See Attachment 3-Plan of Proposed Work). The relocation site for the new retention basin is dependent upon its topographical characteristics so that gravity flow can be used to transport stormwater, and its proximity to the existing retention basin in order to tie in with the mall's stormwater management system. The only feasible site for the relocation of the retention basin has been identified along the west side of the currently developed area. The proposed site for the new retention basin and the re-alignment of Raboth Road fall within priority habitat as identified by the Massachusetts Natural Heritage & Endangered Species Program habitat maps (October 1, 2006). An inquiry into Natural Heritage resulted in identifying Blandings Turtle (*Emydoidea blandingii*) as the single species that could potentially be present. The proponent has met with a representative from Natural Heritage, conducted a habitat and cover type survey, and submitted a report that details a mitigation strategy to insure no net loss of potential nesting habitat to preserve important turtle habitat.

Based on Title V requirements, an additional 42,212 gallons per day (gpd) of wastewater will be generated and discharged to the on-site wastewater treatment plant, which has a current permitted capacity of 90,000 gpd. An evaluation of the existing wastewater treatment plant by proponent's consulting wastewater engineering firm, Edwards and Kelcey, indicates that the existing treatment plant can accommodate the proposed increased flow provided that certain plant modifications and capital improvements are implemented including: (1) an additional 4,400 gallons of oil and grease trap capacity on separate kitchen sanitary lines, (2) an additional 30,000 gallons of pretreatment tank capacity, (3) modify the rotating biological contactor (RBC) feed pumps and/or control system to maximize flow equalization capacity and (4) an additional 7,467 square feet of subsurface disposal area. This evaluation and its recommendations will be submitted to the MADEP in support of obtaining a revised groundwater discharge permit.

Due to prior fieldwork that indicated that the mall site had the potential to contain pre-contact period Native American archaeological sites, an intensive (locational) archaeological survey was conducted in 1988 by the Public Archaeological Laboratory (PAL) on the currently developed area associated with the mall. This survey identified a small Native American archaeological site which yielded non diagnostic chipping debris and was not considered to be potentially significant. The 1988 PAL survey did not include additional property beyond the existing mall footprint within which the relocated retention basin and turtle mitigation will be placed (See Attachment 3- Plan of Proposed Work). Consequently, in December of 2006 PAL conducted an additional intensive (locational) archaeological survey within areas of potential alteration. PAL excavated twenty-five, 50-X 50-centimeter test pits along judgmentally placed transects and within a 15-meter square sampling block in areas of high and moderate archaeological sensitivity. No archaeological sites or other cultural resources were identified within the project area. PAL has recommended that no further archaeological investigation of the project area is needed, and PAL's report will be submitted to the Massachusetts Historical Commission.