

*For Office Use Only*  
**Executive Office of Environmental Affairs**  
 MEPA Analyst: *Deidre Buckley*  
 Phone: 617-626-1044

# NPC

## Notice of Project Change

The information requested on this form must be completed to begin MEPA Review of a NPC in accordance with the provisions of the Massachusetts Environmental Policy Act and its implementing regulations (see 301 CMR 11.10(1)).

Project Name: <b>Independence Mall Expansion Project</b>		EOEA #: <b>14024</b>	
Street: <b>101 Independence Mall Way</b>			
Municipality: <b>Kingston</b>		Watershed: <b>Smelt Brook Drainage Basin/ South Shore Coastal</b>	
Universal Transverse Mercator Coordinates:		Latitude: <b>41 58' 15.29</b> Longitude: <b>70 43' 09.77"</b>	
Status of project construction: <b>0 %complete</b>			
Proponent: <b>Independence Center, L.L.C.</b>			
Street: <b>101 Independence Mall Way</b>			
Municipality: <b>Kingston</b>		State: <b>MA</b>	Zip Code: <b>02364</b>
Name of Contact Person From Whom Copies of this NPC May Be Obtained: <b>George M. Mariani</b>			
Firm/Agency: <b>Sanford Ecological Services</b>		Street: <b>30 Turnpike Road</b>	
Municipality: <b>Southborough</b>		State: <b>MA</b>	Zip Code: <b>01772</b>
Phone: <b>(508) 460-9900</b>	Fax: <b>(508) 481-2009</b>	E-mail: <b>GMARIANI@MSN.COM</b>	

In 25 words or less, what is the project change? **The project change involves a significant downsizing of the proposed retail expansion, to 50,425 square feet of Gross Leasable Area (GLA), now contained entirely within the existing Mall footprint.**  
 See full project change description beginning on page 3.

Date of ENF filing or publication in the Environmental Monitor: **May 9, 2007**

Was an EIR required?  Yes  No; if yes,  
 was a Draft EIR filed?  Yes (Date: )  No  
 was a Final EIR filed?  Yes (Date: )  No  
 was a Single EIR filed?  Yes (Date: )  No

Have other NPCs been filed? Yes (Date(s): )  No

If this is a NPC solely for lapse of time (see 301 CMR 11.10(2)) proceed directly to May 2001

"ATTACHMENTS & SIGNATURES" on page 4.

**PERMITS / FINANCIAL ASSISTANCE / LAND TRANSFER**

List or describe all new or modified state permits, financial assistance, or land transfers not previously reviewed:

Are you requesting a finding that this project change is insignificant? (see 301 CMR 11.10(6))

Yes  No; if yes, attach justification. **SEE ACCOMPANYING NARRATIVE**

Are you requesting that a Scope in a previously issued Certificate be rescinded?

Yes  No; if yes, attach the Certificate

Are you requesting a change to a Scope in a previously issued Certificate?  Yes  No; if yes, attach Certificate and describe the change you are requesting: **THE PROPONENT IS REQUESTING THAT THE PREVIOUSLY ISSUED CERTIFICATE BE RESCINDED (SEE ACCOMPANYING NARRATIVE AND TABLE 1.)**

Summary of Project Size & Environmental Impacts	Previously reviewed	Net Change	Currently Proposed
<b>LAND</b>			
Total site acreage	208.5 acres	0 acres	208.5 acres
Acres of land altered	116.1 acres	-7.0 acres	109.1 acres
Acres of impervious area	98.8 acres	-3.2 acres	95.6 acres
Square feet of bordering vegetated wetlands alteration	0 sq. ft.	0 sq. ft.	0 sq. ft.
Square feet of other wetland alteration	0 sq. ft.	0 sq. ft.	0 sq. ft.
Acres of non-water dependent use of tidelands or waterways	NA	NA	NA
<b>STRUCTURES</b>			
Gross square footage	110,455 GLA	-60,030 GLA	50, 425 GLA*
Number of housing units	NA	NA	NA
Maximum height (in feet)	60 ft.	-20 ft.	40 ft.
<b>TRANSPORTATION</b>			
Vehicle trips per day	2,690	-1,632	1,058
Parking spaces	268	-280	-12
<b>WATER/WASTEWATER</b>			
Gallons/day (GPD) of water use	42,260 GPD	-27,120 GPD	15,140 GPD
GPD water withdrawal	NA	NA	NA
GPD wastewater generation/ treatment	42,260 GPD	-27,120 GPD	15,140 GPD
Length of water/sewer mains (in miles)	NA	NA	NA

\*New building structure currently proposed is 24,340 square feet; an additional 26,085 square feet of GLA will be provided within existing Mall basement level.

Does the project change involve any new or modified:

1. conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97? Yes No

2. release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction? Yes No

3. impacts on Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities? Yes No

4. impact on 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 No; if yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources? Yes No

5. impact upon an Area of Critical Environmental Concern? Yes No

If you answered 'Yes' to any of these 5 questions, explain below:

**PROJECT CHANGE DESCRIPTION** (attach additional pages as necessary). The project change description should include:

(a) a brief description of the project as most recently reviewed

(b) a description of material changes to the project as previously reviewed,

(c) the significance of the proposed changes, with specific reference to the factors listed 301 CMR 11.10(6), and

(d) measures that the project is taking to avoid damage to the environment or to minimize and mitigate unavoidable environmental impacts. If the change will involve modification of any previously issued Section 61 Finding, include a proposed modification of the Section 61 Finding (or it will be required in a Supplemental EIR). **SEE ACCOMPANYING NARRATIVE**

**ATTACHMENTS & SIGNATURES**

Attachments:

1. Secretary's most recent Certificate on this project (**See Attachment A**)
2. Plan showing most recent previously-reviewed proposed build condition (**See Figure 2**)
3. Plan showing currently proposed build condition (**See Figures 3 and 4**)
4. Original U.S.G.S. map or good quality color copy (8-1/2 x 11 inches or larger) indicating the project location and boundaries (**See Figure 1**)
5. List of all agencies and persons to whom the proponent circulated the NPC, in accordance with 301 CMR 11.10(7) (**See Attachment B**)

Signatures:

Date	Signature of Responsible Officer or Proponent	Date	Signature of person preparing NPC (if different from above)
	<u>J. Mark Wagner</u>		<u>George m. Mariani</u>
	Name (print or type)		Name (print or type)
	<u>Independence Center, L.L.C.</u>		<u>Sanford Ecological Services, Inc.</u>
	Firm/Agency		Firm/Agency
	<u>101 Independence Mall Way</u>		<u>30 Turnpike Road</u>
	Street		Street
	<u>Kingston, MA 02364</u>		<u>Southborough, MA 01772</u>
	Municipality/State/Zip		Municipality/State/Zip
	<u>(781) 585-8900</u>		<u>(508) 460-9900</u>
	Phone		Phone

# Notice of Project Change Narrative

## 1.0 Description of Previously-Reviewed Project

As presented in the April 30, 2007 Environmental Notification Form (ENF), which was the subject of the Secretary's Certificate on the ENF issued on June 22, 2007, the proposed project involved an expansion of the Independence Mall, an existing regional shopping mall located in Kingston, Massachusetts in the vicinity of the Route 3/Smith Lane Interchange (Exit 8), as shown on Figure 1 (Site Locus Map). The Mall expansion proposed at that time involved development of a two-level expanded cinema facility, a series of upscale restaurants to serve both the entertainment venue and Mall retail patrons, and additional retail space. This Original ENF Plan, also known as the "ThEATery" expansion project, would have increased the size of the Independence Mall by 110,455 square feet of Gross Leasable Area (GLA).

The Original ENF Plan is depicted on Figure 2. The original proposed expansion would have generated more than 3000 average Saturday daily vehicle trips, would have required construction of 268 additional parking spaces, would have increased the overall impervious footprint of the Mall, would have required relocation of a storm water retention basin into Priority Habitat Area (for which a Conditional No-Take Approval was issued by the Massachusetts Natural Heritage and Endangered Species Program on October 5, 2007), and would have needed an amendment to the Mall's groundwater discharge permit for on-site wastewater treatment to accommodate the increased wastewater flow.

Based on a negative Determination of Applicability received from the Town of Kingston Conservation Commission on October 22, 2007, the Original ENF Plan did not involve any alteration of or impact on wetland resource areas or wetland buffer zones, so no wetlands Order of Conditions would have been required. A permit from the Massachusetts Highway Department would be required to make adjustments in traffic signal timing at several intersections under state highway jurisdiction to accommodate the increased traffic flow.

## 2.0 Description of Material Changes to Project

The currently-proposed Reduced Expansion Plan involves significantly smaller discrete additions to the Mall's cinema, restaurant, and retail areas, representing an addition of 50,425 sf of GLA (a 6.15% increase in total Mall GLA.) The additional GLA would be provided within minor structural additions to portions of the existing Mall single-level building and within the existing lower (basement) level of the Mall. The Reduced Expansion Plan as currently proposed is depicted on Figure 3 and on Figure 4 (Reduced Expansion Plan With Site Resource Areas).

Since work for the current plan does not involve any expansion of the existing parking areas comprising the developed Mall footprint, the Reduced Expansion Plan will not require any new land alteration, increase in impervious area, or work within Priority Habitat, as depicted in Figure 4. Table 1 provides a comparison of impacts of the Original ENF Plan with the current Reduced Expansion Plan. The material changes in the project have essentially eliminated all potential

adverse environmental impacts for which further study and MEPA review were previously scoped in the Certificate on the ENF (see Attachment A).

The project impacts no longer require any state permits. However, the proponent has met with Mass Highway regarding the Reduced Expansion Plan. As discussed further below, the proponent plans to implement as a voluntary traffic improvement the previously-considered signal adjustments at certain intersections under MHD jurisdiction, which enhancements will continue to involve issuance of an MHD permit.

### **3.0 Revised Traffic Study and Planned Traffic Improvements**

The traffic impacts of the Reduced Expansion Plan have been analyzed in a revised traffic study prepared on behalf of Independence Mall by Jacobs, Edwards and Kelcey (JEK), the proponent's traffic engineers. This study has been reviewed and approved by the Town of Kingston Planning Board as part of its June 23, 2008 approval of the revised site plan. The Reduced Expansion Plan will generate less than 40% of the average daily trips projected for the original TheATery plan. (See Table 1 for projected daily and peak traffic generation on week-days and Saturdays.)

With this significant traffic reduction, there will be no adverse impact on any study area intersection from the proposed expansion. JEK performed a full level of service and queue analysis for all study area locations identified in the Certificate on the ENF. The revised analysis incorporated, in the future (2013) No Build scenario, traffic generation and associated highway improvements/mitigation measures for several other planned major developments in the vicinity, including the Waterhouse auto dealerships and hotel project off William Gould Way and the 1021 Kingston's Place mixed-use development in the Kingston 40R zoning district adjacent to the MBTA Commuter Rail Station. The revised analysis demonstrates that, with the expansion of Independence Mall, no study area intersection will experience a decrease in level of service or materially increased queues as a result of increased traffic from the expansion. Furthermore, in the 2013 design year, all signalized intersections are predicted to operate at Level of Service (LOS) B or C during peak periods (with the exception of Cherry Street and Commerce Way, where severe congestion is predicted in future 2013 No-Build conditions even without Mall expansion).

Although the considerably reduced Independence Mall expansion traffic will not adversely affect traffic operations, the proponent has nevertheless voluntarily committed to implement the following traffic improvements to optimize future traffic flows in the area, not only from Independence Mall but also from the Kingston commuter rail station and the 40R development:

- Signal timing adjustments, and signal coordination among, the intersections at Smiths Lane and Route 3 Northbound and Southbound ramps; Independence Mall Way and Cranberry Road; and Independence Mall Way and William Gould Way.
- Contribution by Independence Mall of a property easement at the Independence Mall/Cranberry Road intersection to allow the Massachusetts Highway Department to

consolidate control over right of way at the intersection, in order to facilitate signal coordination among several state highway intersections.

- Construction of a new dedicated right turn lane serving the southeast approach of Cherry Street to Commerce Way, to improve future operations generally at this intersection. With the addition of the new right turn lane, this intersection will operate at Level of Service B in the 2013 Build scenario.

#### Alternative Transportation Mode Enhancements

Independence Mall actively supports a range of measures and programs seeking to increase the use of transportation modes other than single-occupancy vehicles to travel to the Mall. Ongoing and recently-initiated measures to this end include:

- Annual operating subsidies to the Greater Attleboro Taunton Regional Transit Authority (GATRA), which operates regular bus routes that include established bus stops within the Mall.
- Contribution of funding to a pilot shuttle bus service recently initiated by the Town of Plymouth to and among downtown Plymouth tourist destinations (known as America's Hometown Shuttle).
- Provision of commuter rail and GATRA bus route and schedule information and sale of GATRA discounted monthly bus passes at key locations within the Mall.
- Promotion of MassRIDE ridesharing services on the Independence Mall website and within the Mall.
- Promotion to Mall tenants of available options to encourage employees to use public transit and/or vanpools, including the MBTA Corporate Pass program and the US DOT Commuter Choice pre-tax subsidy program for costs of commuting by transit or vanpool.

Independence Mall will provide, in connection with the expansion, the following further alternative mode enhancements:

- Construction of 3,135 linear feet of new sidewalks to provide a pedestrian connection from the Mall in the direction of the commuter rail station and the new 40R residential, office, and retail facilities.
- Additional bicycle racks at the Mall entrances to be improved in connection with the expansion.
- Review of existing bus stop locations with GATRA to determine if any should be relocated during their restoration following expansion-related construction.

## **4.0 Other Planned Environmental Enhancements**

### Storm Water Quality Improvements

The significantly smaller expansion project will not require relocating an existing retention basin and a portion of Raboth Road, as previously proposed. No portion of the recently acquired 7.0 acres of adjoining land will be needed for the current project. Thus, the project will result in an increase in the percentage of undeveloped land that the Mall owns, and reduce the overall percentage of impervious area. Although the proposed project will not result in any new impervious area, the proponent will improve the existing storm water management system by retrofitting existing catch basins in the area of the expansion with oil and grease traps, incorporating Low Impact Development (LID) "raingardens" at several locations within the footprint of the existing parking lot (see Figure 4), and installing a "Stormceptor" unit in the existing drainage system to treat the storm water runoff prior to discharge into the existing retention basin. In addition, the proponent plans on developing a Storm Water Pollution and Prevention Plan (SWPPP) and filing a Notice of Intent (NOI), consistent with EPA's general permit requirements under the National Pollution Discharge Elimination System (NPDES) for storm water discharges during construction activities.

### Ground Water Quality Improvements

The current project will increase the amount clean roof runoff that is recharged within the Zone II area of the Town of Kingston water supply wells (Grassy Hole and I-86) by 0.9 acres. This will result in approximately 1.2 million additional gallons of water per year that will be available for recharge to the public water supply aquifer.