



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

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GOVERNOR

February 15, 2007

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CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Proposed Supermarket
PROJECT MUNICIPALITY : **Route 132 at Bearses Way** – Barnstable
PROJECT WATERSHED : Cape Cod
EOEA NUMBER : 12612
PROJECT PROPONENT : Atlantis Development, LLC
DATE NOTICED IN MONITOR : January 9, 2007

As Secretary of Environmental Affairs, I hereby determine that the Final Environmental Impact Report (FEIR) submitted on the above project **adequately and properly complies** with the Massachusetts Environmental Policy Act (G. L., c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00).

According to the FEIR, the proposed project consists of the construction of a 69,800 square foot (sf) supermarket. The 12.08-acre site contained about 105,000 sf of building area formerly used as a tennis facility (the Victory Chapel now), restaurant, candle factory, retail store, and marine repair and supply store. The former candle factory and retail store have been demolished. The proposed parking area will contain approximately 297 surface parking spaces. The proponent is proposing to construct a new roadway through the western part of site. This new roadway would serve as a connector roadway between Route 132 and Attucks Lane (formerly Hadaway Road). The proponent would provide two driveways from the project site onto the connector road. The connector road would be aligned with the signalized intersection of Route 132/Bearses Way and it would connect to another signalized intersection with Attucks Lane. The proponent has estimated that the project would generate approximately 3,943 new vehicle trips on a weekday. The proponent is proposing to preserve approximately six acres on-site and two acres off-site as protected open space. This open space will be protected through conservation restrictions.

Since the issuance of the last Certificate (September 14, 2006), the proponent has improved the amount of landscaping, added sidewalks along site frontage on both Route 132 and Attucks Lane, continued to work with Barnstable to designate or establish a bicycle route along Attucks Lane, and provided an internal access connection to the adjacent Festival Mall (if its owner will agree).

This project requires a mandatory EIR. It requires a Massachusetts Highway Department (MassHighway) Access Permit and Traffic Signal Permits. The project must comply with the National Pollution Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site.

The proposed project will be connected to existing municipal water service. It will increase the consumption of water by about 2,700 gallons per day (gpd). The project will generate approximately 2,970 gpd of new wastewater, which will go to the municipal sewer service.

The proponent has requested coordinated review of the project under MEPA and the Cape Cod Commission (CCC) Act. The project requires review as a Development of Regional Impact (DRI) pursuant to CCC regulations. On January 24, 2007, the CCC held a subcommittee hearing on the FEIR.

Review of the FEIR:

The FEIR provided a detailed project description with a summary/history of the project. It included existing and proposed site plans. The proponent will meet with the Cape Cod Commission (CCC) to resolve the outstanding issues. On February 7, 2007, the proponent identified the site for the relocated Victory Chapel at the junction of Kidds Hill Road/Merchants Way.

In Appendix C of the FEIR, the proponent discussed the consistency of the project with the provisions of the National Pollution Discharge Elimination System (NPDES) general permit for stormwater discharges from construction sites. The FEIR discussed best management practices employed to meet the NPDES requirements, and it included a draft Pollution Prevention Plan.

Summary of FEIR Mitigation:

The FEIR included a separate chapter on mitigation measures. It provided plans showing the configuration of each roadway intersection proposed for modification. Appendix D included a Draft Section 61 Finding commitment letter for MassHighway permits. The Draft Section 61 Finding contained a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation and the identification of the parties responsible for implementing the mitigation.

In the FEIR, the proponent committed to implement the following mitigation measures:

- Access/Connector Drive Design & Construction, approximately \$350,000;
- Route 132/Bearse's Way Intersection Improvements, approximately \$350,000;
- Attucks Lane/Access/Connector Drive Signalization, approximately \$350,000;
- Monetary Contribution (Minimum Performance Standard 4.1.2.7(a)) from the CCC's Regional Policy Plan, approximately \$57,000;
- CCC's Fair Share Improvements to Roadways, approximately \$235,000;
- Construction of stormwater management system, approximately \$280,000 to \$320,000;
- Construct a bus shelter at the project site, approximately \$15,000;
- Construct site frontage sidewalks (Route 132 and Attucks Lane), approximately \$18,000;
- Construct a sidewalk connection to Phinney's Lane, approximately \$20,000;
- Provide bicycle racks for a total of 16 bicycles at the store entrances, approximately \$1,000;
- Purchase an additional 1.7 acre parcel of land off-site to preserve as open space; and
- Transportation Demand Management (TDM) Program, approximately \$12,000 for the first year, \$4,500 annually thereafter.

For its TDM Program, the proponent has proposed a carpooling and ridesharing program with financial incentives, preferential parking, an on-site coordinator, a guaranteed ride home, and on-site services for employees. The FEIR described the financial incentives (lunch vouchers) proposed for employees utilizing non-single occupancy vehicles as of adequate value to provide registered ridesharers with a meal so that they will not have to travel off-site to eat. The TDM Program should also consider offering flextime to employees, direct deposit, and coordinating its TDM services with other nearby retailers and employers. The proponent investigated a bicycle path connection at Attucks Way to Phinney's Lane and Route 6A (an existing designated bike route). The FEIR identified that the proponent will work with MassHighway to identify ways to use those funds for fair share contributions towards the design and construction of highway improvements. The proponent contacted the adjacent Festival Mall in writing to establish a connector drive to it in the area to the south of the building.

In Appendix E, the FEIR provided a sample Conservation Restriction.

In the supplemental information of February 7, 2007, the proponent identified off-site land to be used for traffic mitigation credits with the CCC. The proponent will acquire and restrict development on two parcels of land, which could otherwise be developed with retail uses. The proponent has an agreement to purchase a 1.2-acre parcel along Route 28 in Hyannis. The applicant also has another parcel on the corner of Kidds Hill Road/Merchants Way, which could support 7,500 sf of retail space. When a specific off-site open space need is identified by the CCC, the proponent will satisfy the requirement by acquiring and restricting such land to remain as open space or make a fair share monetary contribution to the Barnstable Land Trust.

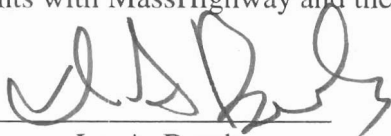
EOEA #12612

FEIR Certificate

February 15, 2007

No further MEPA review is required for completion of the above project. The proponent must finalize its permitting requirements with MassHighway and the CCC.

February 15, 2007
DATE



Ian A. Bowles

Cc: Sharon Stone, MassDEP/SERO

Comments received:

VHB, 12/14/06
VHB, 12/14/06
MA Div. of Marine Fisheries, 1/5/07
Association to Preserve Cape Cod, 2/2/07
MassDEP/SERO, 2/2/07
VHB, 2/7/07
CCC, 2/8/07
EOT, 2/8/07

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