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February 17, 2006

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

PROJECT NAME : Leominster Mixed-Use Project
PROJECT MUNICIPALITY : Leominster
PROJECT WATERSHED : Nashua
EOEA NUMBER : 13003
PROJECT PROPONENT : New England Development
DATE NOTICED IN MONITOR : January 11, 2006

As Secretary of Environmental Affairs, I hereby determine that the Single Environmental Impact Report (Single EIR) submitted for this 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).

Project Description:

The project, as currently proposed, involves the development of approximately 487,000 square feet (sf) of mixed-use retail shopping and restaurant space on approximately 53 acres bisected by New Lancaster Road (Route 117) and located approximately 1000 (linear feet) north of the Route I-90/Route 117 interchange (Exit 7) in Leominster. Route 117 bisects the project site consisting of the north parcel (21 acres) and south parcel (32 acres) of the project site. As described in the Expanded Environmental Notification Form (EENF), approximately 18 acres of the total project site will remain as undisturbed or landscaped area.

North Parcel

As described in the SEIR, the proposed development plan for the north parcel calls for approximately 182,100 square feet (sf) of new construction including a 169,200 sf home improvement/garden center store ('Retail E'), two restaurants ("Restaurant A" – 6,321 sf, "Restaurant B" – 6,588 sf), 777 surface parking spaces and related infrastructure including one stormwater detention basin with two sediment forebays.

South Parcel

The proposed development for the south parcel will involve the construction of approximately 305,700 sf of new retail, restaurant, and office construction in four separate retail buildings ('Retail A' 22,000 sf, 'Retail B' 171,700 sf, 'Retail C' 83,100 sf, and 'Retail D' 8,800 sf), three separate restaurant buildings ("Restaurant A" – 4,000 sf, "Restaurant B" – 5,400 sf, and "Restaurant C" – 5,700 sf), 1,313 surface parking spaces and related infrastructure including one stormwater detention basin. A portion of the proponent's southern development plan, including a 5,000 sf retail/restaurant/office building ('Building K'), and approximately 58 surface parking spaces, is located in the southeastern portion of the project site on an adjacent 1.1-acre parcel of property separated by Jungle Road Extension.

The project is undergoing review and requires preparation of an EIR pursuant to sections 11.03 (1) (b) (1) and (1) (a) (2) of the MEPA regulations, because it requires state permits and will involve alteration of more than 25 acres of land (approximately 28 acres total), and creation of more than 10 acres of new impervious surfaces (approximately 23 acres total). The project is also undergoing review and requires the preparation of an EIR pursuant to sections 11.03 (6) (a) (6) and (6) (a) (7) of the MEPA regulations, as the project requires an Access Permit from the Massachusetts Highway Department (MHD), will generate more than 3,000 new vehicle trips per day (21,890 vtd total), and will provide more than 1,000 new parking spaces (2,175 spaces total).

The project also requires a Sewer Connection/Extension Permit and a Groundwater Discharge Permit from the Department of Environmental Protection (DEP), and an Order of Conditions from the Leominster Conservation Commission (and hence a Superseding Order from DEP if the local Order were appealed). The project must comply with the National Pollution Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over one acre. The project may also require Fossil Fuel Emission Permit from DEP.

The scope for the Single EIR, established in the EENF Certificate issued on May 12, 2003, requested the Single EIR to include additional information on traffic impacts, parking, wastewater, drainage and mitigation. The Single EIR has adequately responded to the scope substantive comments received.

Land Alteration/Alternatives:

As currently designed, the proposed project will result in the alteration of approximately 28 acres of a 53-acre site, and will create approximately 22 acres of impervious surface area. I strongly encourage the proponent to continue to investigate all feasible methods of further avoiding, reducing, or minimizing impacts to land, wetland resource areas, and traffic. Specifically, the proponent should continue to explore opportunities for minimizing the amount of impervious surface area associated with the project, including the feasibility of reducing overall parking ratios.

I encourage the proponent to continue to evaluate opportunities for incorporating sustainable design alternatives including Low Impact Development (LID) techniques in the project's site design and stormwater management plans. LID techniques incorporate stormwater best management practices (BMPs) and can reduce impacts to land and water resources by conserving natural systems and hydrologic functions. The primary tools of LID are landscaping features and naturally vegetated areas, which encourage detention, infiltration and filtration of stormwater on-site. Other tools include water conservation and use of pervious surfaces. Clustering of buildings is an example of how LID can preserve open space and minimize land disturbance. LID can also protect natural resources by incorporating wetlands, stream buffers and mature forests as project design features. For more information on LID, visit <http://www.mass.gov/envir/lid/>. Other LID resources include the national LID manual (Low Impact Development Design Strategies: An Integrated Design Approach), which can be found on the EPA website at: <http://www.epa.gov/owow/nps/lid/>.

Stormwater/Drainage:

According to the information provided in the SEIR, the proposed stormwater management plan has been designed in accordance with DEP's Stormwater Management Guidelines, and incorporates a closed drainage system comprised of deep sump catch basins, drain manholes, and best management practices (BMPs) including sediment forebays, Vortechnic units, and regular parking lot sweeping, to convey roof runoff and stormwater generated from the proposed project to an open-air detention basin located within the North and South Parcels, and a subsurface detention/infiltration basin located within the South Parcel, with outlets to wetland resource areas located along the western portion of the project site. The proponent has also committed to making improvements to the existing Route 117 and Jungle Road Extension drainage systems fronting the project site that will enable the collection and treatment of stormwater from this area prior to its discharge into the proponent's detention basin, and the I-90 drainage system, respectively. As I have indicated elsewhere in this Certificate, I strongly encourage the proponent to continue to identify opportunities to refine the project site design to further reduce impervious surface area and the project's potential impacts to wetland and water resource areas located within and adjacent to the project site. I encourage the proponent to give further consideration to the use of rooftop gardens, swales, filter strips, depressed parking islands, and porous pavement throughout the project site.

Water Supply:

The project's potable water supply demand, approximately 58,000 gallons per day (gpd), will be served by the City of Leominster's Fall Brook Reservoir water supply system.

The proponent has committed to construct a number of improvements to the City of Leominster's water supply system to mitigate the project's impacts to water supply, including:

- the construction of approximately 600 lf of new 12-inch water main within Route 117 to provide water services (potable and fire) to the project, and
- the replacement construction of approximately 1,400 lf of existing 6-inch water main within Old Lancaster Street with new 12-inch concrete-lined ductile iron (CLDI) water main, and new fire hydrants, to serve existing residences located on Old Lancaster Street.

I strongly encourage the proponent to incorporate water conservation technologies including; low flow (1.6 gallon) flush toilets and urinals, and .05 gallon/minute aerators, throughout the proposed mixed-use retail development project.

Wastewater:

As described in the SEIR, the estimated wastewater flows (58,000 gpd) from the proposed Mixed Use Development Project, will be conveyed to the City of Leominster's Wastewater Treatment Facility (WWTF) for treatment and disposal. The proposed sewer expansion improvements to the existing municipal sewer system will also enable nearby existing residences (4,620 gpd), and existing commercial businesses (5,100 gpd), located within the proposed sewer improvement area along Jungle Road, to connect to the City's municipal sewer system. As a result, the proposed project will generate approximately 68,000 gpd of new wastewater flow, and will require a Sewer Connection Permit from DEP. According to the information provided in the SEIR, the City's WWTF has a design capacity of 9.3 mgd and currently operates with an average daily flow of approximately 5.0 mgd.

According to proponent, the proposed sewer system improvements will provide additional capacity to the City of Leominster's sewer system, and have been designed to accommodate the potential growth associated with the future development of approximately 100 acres (1,000,000 sf) of industrially-zoned property located south of the Jungle Road/Old Mill Road intersection along Jungle Road. The proponent has committed to construct a number of improvements to the City of Leominster's Water supply system to mitigate the project's impacts to water supply including:

- installing approximately 3,000 lf 12-inch gravity sewer main within Jungle Road;
- constructing a sewer pump station to be located along Old Lancaster Street;
- constructing approximately 1,500 lf of 8-inch gravity sewer main within Old Lancaster Street; and,
- constructing of approximately 1,700 lf of 6-inch sewer force main within Old Lancaster Street.

As indicated elsewhere in this Certificate, the proponent should commit to incorporating water conservation technologies throughout the proposed development project to significantly reduce water consumption and wastewater generation. I strongly encourage the proponent to assist the City of Leominster in its ongoing efforts to remove infiltration and inflow (I/I) in the project area to ensure the availability of sufficient wastewater treatment capacity to serve this project.

Transportation:

According to the comments received from the MHD, the SEIR included a traffic study that appears to conform to the EOEA/EOTC Guidelines for EIR/EIS Traffic Impact Assessment. The Mixed Use Retail Development Project will generate approximately 14,250 new vehicle trips per day. These new vehicle trips will significantly impact traffic operations along the Route 117 corridor, and the Route 117/Interstate 190 (I-190) intersection, and will thus require a concerted effort by the proponent to reduce single employee and customer vehicle trips. The proponent has identified and committed to the following traffic improvements, listed below, to mitigate the project's traffic impacts:

- Construction of a second left-turn lane on Route 117 at the I-190 interchange to provide a double left-turn lanes and a through lane on the Route 117 southbound approach, and to provide two through lanes on the Route 117 northbound approach;
- Construction and realignment of Jungle Road within its existing right-of-way;
- Installation of a new signalization at the I-190 northbound ramps/Route 117 intersection;
- Installation of a new signalization at the I-190 southbound ramps/Route 117 intersection;
- Installation of a new signalization at the Route 117/Jungle Road intersection;
- Installation of a new signalization at the Route 117/Willard Street intersection;
- Installation of a new signalization at the Route 117/north parcel site drive intersection;
- Installation of a new signalization at the Route 117/south parcel site drive intersection;
- Installation of sidewalks within the north and south parcels of the project site, and across Route 117 at the north parcel's site driveway; and
- Implementation of a comprehensive Transportation Demand Management (TDM) program.

The proponent should respond to the comments received from MHD regarding the need to widen the westbound approach of the Route 117/Route I-190 southbound ramps to accommodate an exclusive westbound left-turn lane and two westbound through lanes, and the need for the proponent to provide two left-turn lanes at the northbound approach to the Route 117/Route I-190 northbound ramps intersection. The proponent should continue to work closely with MHD's District 3 Office in the final design of the proponent's traffic mitigation measures.

Parking

Parking for the project is proposed to include approximately 2,090 on-site surface parking spaces based on 4.3 spaces per 1,000 sf of gross leasable area (gla). As described in the Single EIR, under the City of Leominster's Parking Zoning Ordinance, the minimum number of parking spaces required for the proposed mixed use development project is 1,797 spaces based on 3.7 spaces per 1,000 sf of gross leasable area. I am concerned that the project, as proposed, requires too many parking spaces when public transit and a strong Transportation Demand Management (TDM) program could reduce overall parking demand. I ask the proponent consider building fewer parking spaces or provide a "land bank" of parking spaces to be utilized only if the development program requires them.

Transportation Demand Management Plan

The additional trip generation anticipated from the proposed project will significantly impact traffic operations along the Route 117 corridor and the interstate highway (I-195), and will thus require a concerted effort by the proponent to reduce single employee and customer vehicle trips. As described in the Single EIR, the proponent has proposed a comprehensive Transportation Demand Management (TDM) plan for store employees and patrons. The proponent's proposed TDM plan incorporates a number of measures for reducing project-generated traffic including;

- the appointment of an on-site Transportation Coordinator;
- the implementation of an employee ride-matching program (carpooling and vanpooling) program through the local Transportation Management Association (TMA);
- coordination with MassRIDES to identify opportunities to incorporate a ridesharing program, and a Vanpool service program;
- posting of transit schedules on-site;
- provide designated preferential parking for carpoolers; and
- the use of staggered employee work hours with a 9:00 AM – 4:00 PM core work time.

The proponent's TDM Program should also include the development of on-site amenities including employee direct deposit banking, and secured bicycle storage racks. In its comments, DEP has indicated that the project proponent must comply with the Rideshare Regulation (310 CMR 7.16), and must implement incentives designed to reduce employee vehicle trips including, but not limited to, implementing a Guaranteed Ride Home (GRH) program for employees, providing employee transit passes and an employee carpool-matching program. The project proponent and project tenants must also comply with the Massachusetts Idling regulation (310 CMR 7.11) which prohibits motor vehicles from idling more than five minutes.

Transit

The proponent should continue discussions with the Montachusett Regional Transit Authority (MART), and other transit providers, including local Council of Aging services, to identify opportunities for expanding existing MART bus service (bus routes #8 and #9) or providing a new MART bus service to the project site. I strongly encourage the proponent to provide on-site MART transit amenities, including bus shelters and bus stops, and to post transit schedules on-site.

Pedestrian and Bicycle Facilities

I strongly encourage the proponent to consult with WalkBoston, and to continue to work closely with the City of Leominster, Route 117 business owners, and MHD, to evaluate the feasibility of traffic, transit, pedestrian, and bicycle improvements within the Route 117 corridor, in response to the regional and local traffic concerns that may arise out of the proposed mixed use retail development project.

Construction Period:

The proponent should commit to using lower emission equipment in addition to requiring its contractors to retrofit diesel-powered equipment with emissions controls, such as particulate filters or traps, and use low-sulfur diesel fuel. Pursuant to DEP's Clean Construction Equipment Initiative, the proponent should require its contractors to use On-Road Low Sulfur Diesel (LSD) fuel in their off-road construction equipment which can increase the removal of particulate matter (PM) by approximately 25 percent beyond that which can be removed by retrofitting diesel-powered equipment. If blasting will be required during project construction, the proponent will need to prepare a blast design plan pursuant to the Board of Fire Protection Regulations (577 CMR 13.09) for the proposed construction of roads, buildings and utilities within the project site. Blasting mixtures that include perchlorate have been identified as the source of contamination in many Massachusetts public water supplies and thus should be prohibited from use in the project watershed.

Mitigation/Section 61:


The proponent should submit a Letter of Commitment to MHD's Office of Transportation Planning that contains an estimate of the individual costs of the proposed traffic mitigation, the identification of the parties responsible for implementing the mitigation, and a schedule for the implementation of mitigation, based on the construction phases of the project. The proponent should submit a copy of the proponent's wastewater and traffic mitigation plans to the MEPA Office for the project file.

I ask that the proponent commit to participate in any ongoing or proposed discussions and studies with the Montachusett Regional Planning Commission, MART, City of Leominster or MHD, which evaluate the feasibility of traffic, transit, pedestrian, and bicycle improvements within this Route 117 corridor area, or the feasibility of traffic, transit, pedestrian, and bicycle improvements within this project area.

Based on a review of the SEIR, consultation with public agencies, and a review of the comment letters provided on the project, I hereby find that the Single EIR adequately and properly complies with MEPA and its implementing regulations. The project may proceed to the state permitting agencies. I anticipate that the permit review processes to be undertaken by DEP and MHD will address any outstanding issues related to the mitigation of the project's wastewater impacts (4:1 I/I removal), and mitigation of traffic impacts, respectively.

February 17, 2006

Date



Stephen R. Pritchard, Secretary

Comments received:

02/01/06 Department of Environmental Protection (CERO)
02/10/06 Massachusetts Highway Department (MHD)
02/13/06 Department of Environmental Protection (Boston)

EOEA #13003 SEIR
SRP/NCZ/ncz