



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street, Suite 900

Boston, MA 02114

Deval L. Patrick
GOVERNOR

Timothy P. Murray
LIEUTENANT GOVERNOR

Ian A. Bowles
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/envir>

April 13, 2007

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Fly Ash Landfill Redevelopment
PROJECT MUNICIPALITY : Freetown
PROJECT WATERSHED : Taunton
EOEA NUMBER : 1982
PROJECT PROPONENT : **K.R. Rezendes, Inc.**
DATE NOTICED IN MONITOR : February 6, 2007

As Secretary of Environmental Affairs, I hereby determine that the Supplemental Draft Environmental Impact Report (Supplemental DEIR) submitted on this project **adequately and properly** complies with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00). However, for the Supplemental Final Environmental Impact Report (Supplemental FEIR) to be found adequate, I am requiring the proponent to provide additional information in the Supplemental FEIR pertaining to traffic, wetlands, rare species, and mitigation. This information is necessary to ensure that the requirements of 301 CMR 11.07 are met, that the aspects and issues of the project have been clearly described, that the proponent has committed to a set of mitigation measures that will allow the state agencies to satisfy their Section 61 obligations, and that there will be meaningful opportunities for public review of the additional analysis prior to any Agency action.

Many comments have been received on this project requesting that the Secretary of Environmental Affairs (EOEA) and the MEPA Office deny this project. The MEPA Review process is not a permitting process, and does not itself result in any formal adjudicative decision approving or disapproving a project. The MEPA Review process is designed to ensure public participation in the state environmental permitting process, to ensure that potential environmental impacts are fully described and avoided, minimized and mitigated to the maximum extent feasible, and that state permitting agencies have adequate information on which to base their permit decisions and their Section 61 Findings.

The Supplemental DEIR submitted for this project has undergone a review and public comment period to ensure that all potentially affected parties have an opportunity to review and comment on the proposed project. As described in this Certificate, I am requiring the proponent to respond to the comments received on the Supplemental DEIR and to provide additional information on the project's impacts and proposed mitigation to ensure that potential environmental impacts are fully described, minimized and mitigated.

Project Description

As described in the Supplemental DEIR, the project as currently designed involves the phased development (Phase I, Phase II) of approximately 483,262 sf of mixed-use commercial and retail space with a bank and restaurant on a 81.38-acre site located on South Main Street (Route 79) and abutting the Route 24 southbound exit (Exit 9) ramp.

Phase I construction activities will include completion of the closure process for the inactive coal fly ash landfill, construction of a 170,000 square foot (sf) home improvement warehouse store (Building A), a 217,000 sf discount superstore (Building B), approximately 1,450 surface parking spaces, internal roadways, utilities, stormwater management infrastructure, and traffic mitigation roadway improvements to support the Phase I portion of the project.

Phase II will include the construction of 95,700 sf of retail space to be located in five separate retail buildings (Buildings C-G) throughout the project site, approximately 380 surface parking spaces, and traffic mitigation roadway improvements to support the Phase II portion of the project.

MEPA Jurisdiction

The project as currently proposed requires preparation of an Supplemental EIR pursuant to sections 11.03 (1)(a)2, 11.03 (6)(a)6, and (6)(a)7 of the MEPA regulations because the project requires state permits and will involve the creation of more than 10 acres (approximately 40 acres total) of new impervious surfaces, generate more than 3,000 new vehicle trips per day (approximately 25,000 total) and result in the construction of 1,000 or more new parking spaces (1,976 spaces total), respectively. The project will require a Highway Access Permit from the Massachusetts Highway Department (MassHighway), and a Post-Closure Use Permit and Sewer Extension Permit from the Massachusetts Department of Environmental Protection (MassDEP). The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over one acre. According to the information provided in the NPC2 submittal, the project is estimated to generate approximately 25,000 vehicle trips on the average weekday. An air quality mesoscale analysis for ozone will be needed for this project to assess the total volatile organic compounds (VOC) and nitrogen oxides (NOx) emissions associated with all project-related vehicle trips.

MEPA History

The project was the subject of Draft and Final EIR in 1976 for the land disposal of approximately 800 tons per day (tpd) of coal fly ash on a 35-acre portion of a 60.2-acre former sand and gravel mining site located off Route 79A (South Main Street) in Freetown. The daily tonnage of coal fly ash received at the site was increased to 1,500 tpd in 1994. The project site is bordered by Route 24, the Assonet River, Payne's Cove and South Main Street. The proponent also proposed to develop an industrial park within the project site comprised of the former sand and gravel and completed fly ash landfill containing approximately 3.7 million square feet (sf) of light manufacturing and commercial space. The business park was not constructed.

A Notice of Project Change (NPC1) was filed with the MEPA Office in March 2005 and described the addition of 19.9 acres to the project site (80.5 acres total) and a reduced mixed-use development (105,000 sf total) consisting of five commercial development lots with a sales and service center for recreational vehicles, a campground, a bank and offices, a retail center, and a restaurant. The additional 19.9 acre acreage is located between South Main Street and the fly ash landfill. The NPC submittal also contained the proponent's request for a Phase I Waiver to construct the recreational vehicle sales and service center prior to the completion of the Supplemental EIR for the project. On May 20, 2005 a Secretary's Certificate was issued for the NPC submittal and required the proponent to prepare an EIR for the proposed mixed use project. A Record of Decision (ROD) granting the proponent's Phase I Waiver Request was issued on May 20, 2005.

The proponent filed a second Notice of Project Change (NPC 2) with the MEPA Office in September 2006 describing the project as the phased development (Phase I, Phase II) of approximately 451,700 sf of mixed-use commercial office and retail space with a bank and restaurant. The project site has been expanded with the addition of 0.88 acres of land area (81.38 acres total) to provide for increased separation between the project site's proposed site drive and the Route 24 southbound exit ramp (Exit 9). The additional acreage is located between South Main Street and the fly ash landfill. Phase I construction activities included completion of the closure process for the fly ash landfill, construction of internal roadways, utilities and stormwater management infrastructure. Phase II included the construction of the proposed mixed-use commercial and retail space, and approximately 1,980 surface parking spaces. On October 26, 2006 a Secretary's Certificate was issued for the NPC 2 submittal and required the proponent to prepare a Supplemental Draft and Final EIR for the proposed mixed use project and to provide additional information regarding the proposed project's potential impacts to traffic, rare species, wetlands, stormwater and mitigation.

Traffic Generation

According to MassHighway, the Supplemental DEIR included a traffic study that appears to conform to the EOEA/EOTC Guidelines for EIR/EIS Traffic Impact Assessment. Using the Institute of Traffic Engineers Trip Generation Land Use Codes (LUC) **862 - Home Improvement Store, 813 - Free Standing Discount Superstore, and 820 - Shopping Center**, the project, as currently proposed, is estimated to generate approximately 19,750 new vehicle trips on the average weekday, and approximately 25,100 vtd on a Saturday. MassHighway has indicated that the Payne's Crossing project's new vehicle trips will have significant impacts to traffic operations along the Route 79 (South Main Street) and its intersection with Route 24, 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 traffic mitigation roadway improvements listed below, and Travel Demand Management measures (TDM), to mitigate the project's Phase I and Phase II impacts to traffic.

Traffic Mitigation Roadway Improvements

- South Main Street/project site drive intersection - geometric improvements and new traffic signal;
Route 24 northbound ramp /South Main Street intersection - geometric improvements and new traffic signals;
- Route 24 southbound ramp/South Main Street intersection - geometric improvements and new traffic signals;
- channelization and pavement markings and minor geometric improvements South Main Street/Elm Street/North Main Street/Water Street intersection;
Elm Street/Mill Street intersection - channelization and pavement markings and minor geometric improvements; and,
South Main Street/Ridge Hill Road/Mobil Access Road intersection - revisions to existing posted speed limit and traffic signage.

MassHighway has determined that the proponent's traffic mitigation roadway improvements, as currently designed, are inadequate to accommodate the potential traffic impacts from the Payne's Crossing project. The project inclusive of the proponent's proposed traffic mitigation, will result in the development of vehicle queues that will extend beyond available queue storage and will potentially block traffic attempting to enter the Route 24 northbound and southbound ramps. MassHighway is requiring the proponent to address the project's impacts to the Route 24/Route 79 interchange. Specifically, MassHighway has identified this intersection's existing capacity constraints resulting from the limited roadway cross section of the Route 24 underpass. The project's potential traffic impacts will require the widening of Route 79 to provide for a consistent two-lane section in each direction. The needed Route 79 widening will also require the reconstruction/new bridge spanning of the existing Route 24 bridge over Route 79 to provide for adequate vehicular, bicycle and pedestrian facilities.

MassHighway has also requested that the proponent address a number of additional issues and concerns pertaining to the proposed construction of dual-left turn lanes exiting the site driveway onto South Main Street, and the proposed design for the Route 24 northbound exit ramp. The Supplemental FEIR must respond to the comments received from MassHighway, the Freetown Police Department, and others regarding the project's potential impacts to traffic throughout the project area.

The Supplemental FEIR must present a detailed discussion of the proposed traffic mitigation improvements, including suitably scaled conceptual plans, to accommodate the Phase I and Phase II portions of the proposed project (overall traffic mitigation plan). The Supplemental FEIR should discuss the suitability of any/all proposed signalization improvements and any roadway widening.

Any proposed traffic signalization must include a traffic signal analysis according to the Manual of Uniform Traffic Control Devices (MUTCD) standards. It should discuss right-of-way (ROW) implications of possible widening and describe how such ROW's would be acquired. Existing truck volumes should be estimated from vehicular traffic counts.

The Supplemental FEIR must demonstrate a clear commitment to complete the Phase I and Phase II traffic mitigation roadway improvements. The proponent must work closely with MassHighway's Public/Private Development Unit and the District 5 Office, the Town of Freetown, and local area neighborhoods to successfully resolve design issues for the overall traffic mitigation plan proposed for both the project.

Parking and Site Layout

According to the information provided in the Supplemental DEIR, each of the proposed seven Building Areas includes required surface parking totaling 1,799 parking spaces. Elsewhere in the Supplemental DEIR, the proponent has indicated that the Payne's Crossing project has an estimated total parking need of 1,833 surface parking spaces. The Supplemental FEIR should address this discrepancy and should clarify the total parking needed for the project.

The proposed parking plan includes 483 more surface parking spaces than the number of parking spaces required under local Town of Freetown zoning regulations (1 space/300 sf). The Supplemental FEIR should describe how the number of proposed parking spaces for Building Areas A, B, F and G were determined, and should discuss the impacts of excess parking on the proposed Transportation Demand Management (TDM) program, and the feasibility of a project alternative with fewer spaces. The proponent should show the overall vehicular and pedestrian internal circulation patterns for the project site and adjacent properties, at the completion of Phase I and upon completion of Phase II portion of the Payne's Crossing project.

Transportation Demand Management (TDM) Plan

The Supplemental DEIR includes a proposed comprehensive Transportation Demand Management (TDM) plan for employees and patrons of the Payne's Crossing project. The proponent's proposed TDM plan incorporates a number of measures for reducing project generated vehicle trip generation including:

- the appointment of an Employee Transportation Coordinator (ETC);
- the use of staggered employee work hours;
- the implementation of an employee ride-matching program (carpooling and vanpooling) program;
- the implementation of a "Guaranteed Ride Home" program for employees;
- work closely with the Southeastern Regional Transit Authority (SRTA) to extend existing bus service (Route #2) to proposed new on-site transit amenities including bus shelters and bus stops, and posting of transit schedules on-site;
- promote the use of on-site amenities including employee direct deposit banking;
- install bicycle amenities including secured bicycle storage racks at each building, and bicycle shoulders along site driveways; and
- construct sidewalks along site driveways to connect to existing sidewalks on South Main Street.

All Payne's Crossing project tenants and businesses should be required to participate in the proposed TDM plan. The TDM plan should describe any monitoring necessary to ensure the success of the program. The Supplemental FEIR should demonstrate the proponent's commitment to implement, monitor, and continuously fund the proposed TDM plan.

Transit

The proponent should continue discussions with the Southern Regional Transit Authority (SRTA), the Massachusetts Bay Transit Authority (MBTA), and other transit providers, and local area businesses in Freetown and Fall River to identify opportunities for providing existing MBTA bus service, and shuttle service to the project site. I strongly encourage the proponent to identify opportunities to incorporate transit amenities including bus shelters and bus stops in closer proximity to proposed buildings to be located within the project site. The Supplemental FEIR should demonstrate the support of the MBTA for any proposed transit amenities. The Supplemental FEIR should include an update of the proponent's discussions with MBTA and others for providing existing MBTA bus service to the project site. The proponent should propose mitigation for proposed project impacts on existing bus services.

Pedestrian and Bicycle Facilities

The Supplemental FEIR should describe the internal vehicular and pedestrian circulation plan for the project site at the completion of the proposed project. The Supplemental FEIR should show on a reasonable scaled map of the project site, where the proponent proposes new sidewalks, pedestrian crossings and vehicle/pedestrian safety signage.

The proponent should discuss the feasibility of providing a sidewalk along the project's site driveway, and along the west side of South Main Street. I strongly encourage the proponent to continue to work closely with the Town of Freetown, City of Fall River, MHD and MBTA, to evaluate the feasibility of traffic, transit, pedestrian, and bicycle improvements within the project area in response to the regional and local traffic concerns that may arise out of the proposed mixed-use development project.

Air Quality

The proponent conducted an air quality mesoscale analysis for the project and determined that the total volatile organic compounds (VOC) and nitrogen oxides (NOx) emissions associated with all project-related vehicle trips are greater than the no-build scenario.

As described above, the proponent has proposed and committed to a number of reasonable and feasible mitigation measures including transportation demand management (TDM) measures that will help minimize the traffic-related air quality impacts of the proposed project. The Supplemental FEIR should explore additional opportunities to enhance pedestrian, bicycle, and transit modes to reduce the air quality impacts of the proposed project. The Supplemental FEIR should also discuss compliance with DEP's Ridesharing Regulations, 310 CMR 7.16.

Solid Waste Management

The project site is the location of the former K.R. Rezendes, Inc. coal fly ash landfill. The landfill operated under applicable MassDEP permits until around 2002, when it ceased accepting and disposing of coal ash. To date, the proponent has capped approximately 80% of the landfill area in accordance with previously approved landfill design plans. Most of the remaining 20% of uncapped landfill will be brought to grade with clean fill as part of the proposed Payne's Crossing project construction. As described by the proponent, a small amount of former landfill area will be made available for the potential need to relocate flyash material generated during project construction. The proponent has proposed to incorporate the use of Controlled Modulus Column (CMC) technology to provide needed ground stabilization and load carrying capacity for the project with minimal amount of coal ash displacement and disturbance.

According to the proponent, the proposed site development, new buildings and impervious surface areas, will provide additional barriers to further isolate the coal ash and eliminate possible exposure pathways. In their comments on the Supplemental DEIR, MassDEP has indicated that the proposed post-closure use project is permissible, but must comply with MassDEP's permitting requirements before it can issue the proponent a Major Post-Closure Use Permit (BWP SW 36) pursuant to 310 CMR 19.142.

Specifically, the proponent will need to demonstrate to MassDEP the completion of a number of assessments, studies and design plans as part of MassDEP's Post-Closure Use Permit application review process including:

- completion and certification of the landfill's capping system in accordance with previously approved landfill design plans;
- completion of a Qualitative Risk Assessment and a Quantitative Risk Assessment in accordance with MassDEP's Landfill Technical Guidance Manual May 1997;
- completion of Land Fill Design Plans containing detailed information pertaining to the proposed post-closure use's geo-technical stability, stormwater management Best Management Practices (BMPs), utilities installation, and compliance with the Wetlands Protection Act; and,
- completion of a Traffic Study demonstrating that the proposed project development will not result in an adverse affect to vehicular and pedestrian traffic in the project area.

The Supplemental FEIR should respond to MassDEP's comments. The Supplemental FEIR should present a summary update of the proponent's preparation of the Post-Closure Use Permit application for the project site sufficient to demonstrate that the landfill will be capped and maintained in accordance with previously approved plans. The Supplemental FEIR should present any proposed design changes to the cap of the landfill in order to accommodate the proposed mixed-use project.

Wetlands

The project site contains approximately 9.7-acres of bordering vegetated wetlands (BVW) located along the western and northern shoreline boundaries to Payne's Cove (Assonet River), and Assonet Bay. As described by the proponent, prior coal ash landfill construction and operation activities included the construction of service roadways and a stormwater management detention basin (Detention Basin 1), and resulted in a small amount of alteration to BVW and Riverfront Area. The proponent has proposed to expand the existing Detention Basin 1, located within wetland buffer and the Riverfront Area in the northwest corner of the project site, to accommodate the additional stormwater flows from the Payne's Crossing project. The Supplemental FEIR should quantify the amount of direct and indirect alteration proposed to any/all resource areas located within the project site for each Phase of construction. For any amount of required wetlands replication, a detailed wetlands replication plan should be provided in the Supplemental FEIR that at a minimum includes: replication location(s) delineated on plans, elevations, list of wetlands plant species of areas to be altered and the proposed wetland replication species, and planned construction sequence. MassDEP is recommending a replication rate greater than 1:1.

Rare Species

Subsequent to the issuance of the Secretary's Certificate on the NPC 2 submittal (October 26, 2006), the proponent conducted a habitat assessment of the project site and identified suitable nesting habitat for the Diamondback Terrapin (*Malaclemys terrapin*), a state protected threatened species, along gravelly and sandy portions of the project site's northern shoreline. The proponent has also identified suitable aestivation and foraging habitat for adult Diamondback Terrapin in salt marsh area located along portions of the project site's southwest shoreline.

As currently designed, the proponent's stormwater management plan may result in direct impacts to nesting habitat for the Diamondback Terrapin. Proposed project construction activities may also result in indirect impacts to aestivation and foraging habitat for adult Diamondback Terrapin.

In their comments, the Natural Heritage and Endangered Species Program (NHESP) has requested that the proponent work closely with NHESP to indicated that portions of the project site are located within Priority and Estimated for the Diamondback Terrapin. The project may result in a "take" of state listed rare species, and may require a MESA permit. I ask that the proponent work closely with NHESP regarding rare species permitting issues in advance of the proponent's submittal of a MESA filing to NHESP. The Supplemental FEIR should report on the proponent's habitat assessment activities.

Stormwater

The Payne's Crossing project as currently designed will create approximately 40 acres of new impervious surface area. As described in the Supplemental DEIR, the project's stormwater management plan has been designed to be consistent with this DEP's Stormwater Management Policy's standards for water quality, recharge to groundwater, and peak runoff impacts. The proponent's stormwater management plan incorporates Best Management Practices (BMPs) including: hooded deep sump catch basins, water quality inlets, oil and water separators sediment forebays and a total of ten stormwater detention basins. The Supplemental FEIR should include a detailed description of the proponent's plan to construct the proposed stormwater management system in stages to coincide with the construction of the proposed retail center. The Supplemental FEIR should include a detailed description of the proponent's proposed maintenance program, and should outline the actual maintenance operations, sweeping schedule, responsible parties, and back-up systems. I anticipate that MassDEP's Post-Closure Use Permit application review process, discussed elsewhere in this Certificate, will address the comments received pertaining to the potential impacts to groundwater contamination within and downgradient of the project site from the proponent's stormwater management plan.

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/>.

Drinking Water

The project's potable water supply demand (approximately 36,000 gpd) will be served by the Freetown Water Commission which receives its water supply from the City of Fall River Municipal Water Supply System. Under an existing Water Management Act Registration, the City of Fall River is authorized to withdrawal 14.59 million gallons per day (MGD). According to MassDEP's comments, the City of Fall River withdrew an average of 12.44 MGD in 2005. As described in the Supplemental DEIR, the Fall River Office of Economic Development has identified sufficient potable water capacity in the City's Municipal Water Supply System to accommodate the proposed project.

Wastewater

The mixed-use development project's estimated wastewater flows (approximately 36,000 gpd) will be conveyed through the Town of Freetown's sewer collection system, via the proponent's new on-site sewer pump station, and connection to a new 10" sewer main extension within the South Main Street (Route 79) right-of-way, to be constructed by others, to the Fall River Wastewater Treatment Facility (Fall River WWTF). The proponent is proposing to construct a 4" pressure sewer line (2,272 lf total) from the Payne's Crossing project site north to a new Ridge Hill Road sewer pump station to be constructed by the proponent for the Campanelli Business Park of Freetown project (EOEA #13895).

According to the information provided in the Supplemental DEIR, the proponent for the Campanelli Business Park has committed to construct a 1.75 mile extension of a 10" municipal sewer line, from the City of Fall River municipal boundary at 136 South Main Street, northward within the South Main Street (Route 79) right-of-way, past the Payne's Crossing project site, to a proposed new sewer pump station to be located at Ridge Hill Road. The proposed South Main Street sewer extension and the Ridge Hill Road sewer pump station have been designed to provide additional capacity to the Town of Freetown's sewer collection system, and will accommodate the Payne's Crossing wastewater flows along with the combined estimated wastewater flows (approximately 724,000 gpd) associated with a number of proposed developments and developable parcels located along South Main Street including the Campanelli Business Park, Campanelli Drive, Ridge Hill Road, Narrows Road, Copicut Road, and Assonet Village in Freetown.

According to the proponent, in the event the Campanelli Business Park project does not move forward with construction of the sewer main extension, the Payne's Crossing proponent has committed to construct a 4" pressure sewer main (6,050 lf total) from the Payne's Crossing project site south to 136 South Main Street and the City of Fall River's municipal sewer line.

Sustainable Design

A new development of the size of the proposed project presents a host of opportunities for incorporating sustainable design elements and sustainable construction into project design, consistent with the goals of Executive Order 385. Sustainable design elements, over the course of the project design life, can both prevent Damage to the Environment and reduce operating costs to the proponent. To the extent feasible, the proponent should incorporate sustainable design elements into the project design. The basic elements of a sustainable design program may include, but not be limited to, the following measures:

- Optimization of natural day lighting, passive solar gain, and natural cooling;
- Use of energy efficient heating, ventilation and air conditioning (HVAC), and lighting systems, appliances and other equipment, and use of solar preheating of makeup air;
- Favoring building supplies and materials that are non-toxic, made from recycled materials, and made with low embodied energy;
- Provision of easily accessible and user-friendly recycling system infrastructure into building design;
- Development of a solid waste reduction plan;
- Development of an annual audit program for energy consumption, waste streams, and use of renewable resources;
- Leadership in Energy and Environmental Design (LEED) certification; and
- Water conservation and reuse of wastewater and stormwater.

Construction Period Impacts

The FEIR should include a construction mitigation plan to satisfactorily address the project's potential impacts to nearby residential neighborhoods from construction noise and dust. I strongly encourage the proponent to consult with the Town of Freetown and the City of Fall River Waltham, and to meet with local area residential neighbors from the project area during the design of the proponent's construction mitigation plan. I ask that the proponent consider requiring its contractors to use On-Road Low Sulfur Diesel (LSD) fuel in their off-road construction equipment that can increase the removal of particulate matter (PM) by approximately 25% beyond that which can be removed by retrofitting diesel-powered equipment.

All construction-related refueling and equipment maintenance activities should be conducted under cover on impervious surface areas with containment, and outside of any wetlands resource areas, endangered species habitat areas, residential areas and wellhead protection areas. The proponent should also commit to specific TDM measures that can be implemented during construction.

Mitigation/Section 61

The FEIR should contain a separate chapter on proposed Phase I and Phase II traffic mitigation roadway improvements plan, and a Draft Section 61 Finding for all state permits that describes a clear commitment to completing the Phase I and Phase II traffic mitigation roadway improvements (overall mitigation plan). The traffic mitigation roadway improvement plan should state whether land takings are necessary to implement proposed improvements and must clearly identify the party(s) responsible for such takings. The Draft Section 61 Finding should contain a clear commitment to any/all mitigation, an estimate of the individual costs of the proposed mitigation, and the identification of the parties responsible for implementing the mitigation. A schedule for the implementation of all roadway mitigation, approved by MHD, must also be included.


Response to Comments

The Supplemental FEIR should include a copy of this Certificate and a copy of each comment letter received. It should respond to the comments received to the extent that the comments are within the subject matter of this scope. I defer to the proponent as it develops the format for this section, but the Response to Comments section should provide clear answers to questions raised.

Circulation

The Supplemental FEIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should also be sent to the list of "comments received" below and to Freetown town officials. A copy of the Supplemental FEIR should be made available for public review at the Freetown Public Library.

April 13, 2007
Date



Ian A. Bowles, Secretary

Comments received: (continued on next page)

02/16/2007	Bob and Cathy Adams
02/16/2007	Jean Fox
02/16/2007	Concerned Citizens of Assonet
02/20/2007	Michael Lovely (2 letters)
02/20/2007	Wilfred and Patricia Canto
02/20/2007	Thomas Daley
02/20/2007	Mrs. Lisa Daley
02/21/2007	Dan Lehane
02/21/2007	Michael and Valerie Gauthier (2 letters)
02/21/2007	Ms. Linda Smith
02/21/2007	Gary Fernandes
02/21/2007	Linda Fernandes
02/21/2007	Melissa Gardner
02/21/2007	Parricia Chace (2 letters)
02/21/2007	Christine Dubuc
02/22/2007	Charlene Bolduc
02/22/2007	Gail Woodward
02/22/2007	Paul Woodward
02/22/2007	Donald Dickinson
02/22/2007	Rachael Jorgensen (2 letters)
02/22/2007	Erio Jorgensen
02/22/2007	Colette Clark and Nicolette DeFeo
02/22/2007	Joanne Brightman

Comments received: (continued on next page)

02/22/2007 Robert and Madeline Frizelle
02/22/2007 Brian Dunning
02/23/2007 Mary Ouimet
02/23/2007 Anne Morse (2 letters)
02/23/2007 Matthew DeCosta
02/23/2007 Jeanne Sullivan
02/23/2007 Julia Conway
02/23/2007 Carlton Abbott Chief of Police / Freetown Police Department
02/24/2007 Peg Riley (2 letters)
02/26/2007 Margaret and Gustave Tavares
02/26/2007 Suzanne & Robert Cunha (2 letters)
02/26/2007 Jeff Terpak
02/26/2007 Kimberly Kay Railsback / President Concerned Citizens of Assonet
02/26/2007 Dave Crose
02/26/2007 Sarah Whittey (2 letters)
02/26/2007 State Representative David Sullivan
02/26/2007 Albert Gagne
02/26/2007 Amy Scudder (2 letters)
02/26/2007 Patricia Scudder (2 letters)
02/26/2007 Jeffrey Scudder (2 letters)
02/26/2007 Walter Scudder (2 letters)
02/26/2007 Carol Nadeau (2 letters)
02/26/2007 David and Tammy Dussault
02/26/2007 Robert & Patricia Barboza
02/26/2007 Michael Barboza
02/26/2007 Timothy & Denise Brund
02/26/2007 Anthony & Evelyn Costi
02/26/2007 Susan Taylor
02/26/2007 Carolyn and James Fucile
02/27/2007 Constance Dunning
02/27/2007 Kathleen Martin (3 letters)
02/27/2007 David and Susanna Crose
02/27/2007 Michael Andrade (2 letters)
02/27/2007 Sara Medeiros
02/27/2007 Katherine Moore (2 letters)
02/27/2007 Thomas Manley
02/27/2007 Louise Brady (2 letters)
02/27/2007 Roger & Cynthia Levesque
02/27/2007 Bruce and Kathleen MacLeod

Comments received: (continued on next page)

02/27/2007 Gabriel Saad
02/27/2007 Lynne Manley
02/27/2007 David and Ehsa Santos
02/28/2007 Rose and Paul Cabral (2 letters)
02/28/2007 Diane Messersmith Hoffman, MD
02/28/2007 Irena Balgalvis
02/28/2007 Richard Field (2 letters)
02/28/2007 The Machado Family
02/28/2007 Dottie Grocott
02/28/2007 Noella Santerre
02/28/2007 Marcy Couitt
02/28/2007 Griffith Neville
02/28/2007 Beneta Neville
02/28/2007 Linda Wright
02/28/2007 Carroll Wright
02/28/2007 Albert LaFountain
02/28/2007 Raymond Santerre
03/01/2007 Debbie Nickerson
03/01/2007 Richard Moore (3 letters)
03/01/2007 Joseph Rosa (2 letters)
03/01/2007 Anne Teahan Dunning (3 letters)
03/01/2007 Lisa Pickard
03/01/2007 Barbara Flanders
03/01/2007 Eric Flanders
03/01/2007 Dr, Marlene Correia
03/01/2007 Brian Correia
03/01/2007 Javequei and Robert Chamberlin
03/01/2007 Amie Van Nostrand
03/01/2007 Nancy & Bob VanNostrand
03/01/2007 Peter Erwin / Freetown Historical Commission
03/02/2007 Southeastern Regional Planning and Economic Development District (SRPEDD)
03/02/2007 Jerry Velozo
03/02/2007 William Giant
03/02/2007 L.R. Schroeder, M.D.
03/02/2007 Jo-Anna DeCosta (2 letters)
03/02/2007 Louis Pereia
03/02/2007 Nicolette DeFeo
03/02/2007 Christopher John Byrnes
03/02/2007 Mary Byrnes

Comments received: (continued on next page)

03/02/2007 Sandra White
03/02/2007 James & Doris Frazer
03/05/2007 Kevin Tetrault
03/05/2007 Maura Erwin
03/05/2007 Bradley Silva
03/06/2007 Gregory Chew
03/06/2007 Yvonne Steere (2 letters)
03/06/2007 Christopher Steere (2 letters)
03/06/2007 Barry Costa
03/06/2007 Peter Borges
03/06/2007 David Baldinelli
03/06/2007 Louis Ricciardi
03/06/2007 Cynthia Ricciardi
03/06/2007 Mary Rourke
03/06/2007 Lori Riley (3 letters)
03/06/2007 Lauren Hughes
03/06/2007 Kenneth Green
03/06/2007 William Moffett
03/06/2007 Thomas Terpak
03/06/2007 Sarah Daley
03/06/2007 Michael Ashley
03/06/2007 Paul Ziobro
03/06/2007 Pauline Arruda
03/06/2007 Jacqueline Bruno
03/06/2007 Nicole Bruno
03/06/2007 Kerry Montplaisir (2 letters)
03/06/2007 Jacqueline Hughes
03/06/2007 Dawn Hughes
03/06/2007 Gary Hughes
03/06/2007 Roslyn Arruda
03/06/2007 Cynthia Reznikervitz
03/07/2007 PETITION for the residents of Freetown
03/07/2007 Joan Menard office of the Majority Whip
03/07/2007 Roy Parker
03/07/2007 Graham Ashley
03/07/2007 Suzanne Ashley
03/07/2007 Dora Capeto
03/07/2007 Jermiah Furguson
03/07/2007 Lucille Rosa

Comments received: (continued on next page)

03/07/2007 Jeffrey Field
03/07/2007 Murial Sanders
03/07/2007 Laura Field
03/07/2007 Osee Brady
03/07/2007 Wayne & Elaine Christen (2 letters)
03/07/2007 Judith Emond (2 letters)
03/07/2007 Stephen Canessa State Representative
03/07/2007 James Byers D.M.D
03/07/2007 Pam Opheim-Newhall
03/07/2007 Jennifer Deane
03/07/2007 Ronald Norfolk
03/07/2007 Anna Norfolk
03/07/2007 Robert Tobojka
03/07/2007 Paul & Margret Russell
03/07/2007 Janice Copley
03/07/2007 Robert Kardosz
03/07/2007 Dr. Lynne Byers
03/07/2007 David Westgate
03/07/2007 Nancy Westgate
03/07/2007 Debra Gehrke
03/07/2007 Raymond and Colleen Conroy
03/07/2007 Michael and Steve Nassr
03/07/2007 David Theriault (2 letters)
03/07/2007 Joyce Stonecypher
03/07/2007 Richard Stonecypher
03/08/2007 Department of Environmental Protection - SERO (MassDEP)
03/08/2007 Division of Fisheries & Wildlife
03/08/2007 David Simas
03/08/2007 Lucille M. Rosa
03/08/2007 Mark, Joseph, Robert Letourneau
03/08/2007 Michael Pillarella
03/08/2007 Deborah Pettey
03/08/2007 Carolyn Kelley Moore
03/08/2007 Martha Arruda
03/08/2007 Elizabeth Elsner
03/08/2007 Gary Martin
03/08/2007 Cynthia Moore
03/08/2007 Peter Cura
03/08/2007 Freetown Board of Selectmen W/ 54 page attachment faxed from Police Chief

Comments received: (continued on next page)

Carlton Abbott (**also hard copy**)

03/08/2007 **Jerome Cura / The Science Collaborative**
03/08/2007 Althea Brady
03/08/2007 **Timothy Bennett / Green Futures (2 letters)**
03/08/2007 Don Lewis (3 letters)
03/08/2007 **Carl Brodeur / Arborcare with Ropes 'N Saddles (3 letters)**
03/08/2007 Laurie Carvalho / Freetown Planning Board
03/09/2007 Sue Ashley
03/09/2007 Representative John Quinn
03/09/2007 **Jeffrey DeMarco / Campanelli Companies**
03/09/2007 Rebecca Baptista (2 letters)
03/09/2007 Sandra Leger Silva
03/09/2007 Kevin Tetrault
03/09/2007 Maura Erwin
03/09/2007 Bradley Silva
03/09/2007 Cynthia Reznickervitz
03/12/2007 Alison Maltz
03/12/2007 **Robert Kelliher /Thermo-Mechanical Systems Corp.**
03/12/07 The Natural Heritage and Endangered Species Program (NHESP)
03/12/2007 Marie Hart
03/12/2007 Edward Torres
03/15/2007 Susan Jose
03/15/2007 G. Jose
03/20/2007 **United States Environmental Protection Agency Region 1**
03/25/2007 John and Cheryl Gouveia
03/28/2007 Robert Frizelle
03/28/2007 Kathleen Wellspring
03/28/2007 **Independence Harbor / Brian Dunning**
04/02/2007 Roberta and Victor Aucoin
04/02/2007 Mike McCue
04/02/2007 Kathleen Garcia
04/02/2007 Kathleen Talbot
04/02/2007 Barbara St. Rock
04/02/2007 Eric Johnson
04/02/2007 Curtis Fisher
04/02/2007 Gregory Cowan
04/02/2007 Margaret Riley
04/03/2007 Kevin Whittey
04/03/2007 Phyllis Balestracci

Comments received: (continued)

04/03/2007 Paul Balestracci
04/03/2007 Gerald Shahdan
04/03/2007 Drs. Dawn Bradway & Todd Heimer
04/03/2007 Mary Walsh
04/03/2007 Grace Rose
04/03/2007 Lisa Pacheco, Lawrence Ashley and Jean Fox / Freetown Board of Health
04/04/2007 Glenn Cowley
04/04/2007 Scott Blevins
04/04/2007 Lisa Kaminski
04/05/2007 Mary McCarthy
04/05/2007 Carolyn Kiley Moore
04/05/2007 Maria Lane
04/05/2007 Woodside Dental Care
04/06/2007 Katherine Keith
04/06/2007 Walter Crane
04/06/2007 Alexander Houtzager
04/06/2007 Henry Arruda
04/06/2007 Amy Murphy
04/06/2007 The Reverend James Hornsby
04/06/2007 Patriot555
04/09/07 Executive Office of Transportation/Office of Transportation Planning
(MassHighway)
04/10/2007 Guinnevere Lowe
04/10/2007 Thalia Took

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