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May 9, 2008

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS  
ON THE  
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Bartolini Business Park  
PROJECT MUNICIPALITY : Southborough  
PROJECT WATERSHED : SuAsCo  
EEA NUMBER : 14223  
PROJECT PROPONENT : Bartolini Builders, Inc.  
DATE NOTICED IN MONITOR : April 9, 2008

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.03 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

As described in the Environmental Notification Form (ENF), the project consists of construction of three, multi-story 26,400 square foot (sf) office buildings (79,200 sf total build-out) in Southborough. The project site encompasses three separate parcels totaling 11.13 acres off Route 9. The site was originally permitted and approved under EEA File No. 5806 in 1985 for three single story buildings totaling approximately 48,000sf of build-out. No Environmental Impact Report (EIR) was required by the Secretary of Environmental Affairs at that time. The curb cut and driveway from Route 9, as well as tree clearing and site grading, have already been completed in accordance with EEA No. 5806. The current ENF has been filed due to a lapse of time between the original review and approval and on-going site activities. Additionally, the scope and layout of the project has been modified and expanded.

The project will include three, multi-story office buildings, 288 parking spaces, an on-site septic system, and a stormwater management system. Estimated project impacts on the 11.13 acre site include 3.46 acres of new altered land, 2.84 acres of new impervious area, 1,116 new vehicle trips per day, approximately 6,534 gallons per day (GPD) of water use, and 5,940 GPD of wastewater generation. The project site is accessed directly from Route 9, while utilities will be provided through an easement from Deerfoot Road. The on-site wetlands are considered tributary to the Sudbury Reservoir, a Class A Public Water Supply. Class A Public Water Supplies, their tributaries and certain wetlands are designated as Outstanding Resource Waters (ORWs) and afforded protection in the Massachusetts Surface Water Quality Standards (314 CMR 4.00).

### Jurisdiction

The project is undergoing review pursuant to Section 11.03 (6)(b)(14) because the project will result in the generation of 1,000 or more new vehicle trips per day and construction of 150 or more parking spaces at a single location. The project required a direct access permit from the Massachusetts Highway Department (MassHighway) for a curb cut on Route 9. The project will require a Superseding Order of Conditions and a Section 401 Water Quality Certificate (WQC) from the Massachusetts Department of Environmental Protection (MassDEP). Approval under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit will be needed from the United States Environmental Protection Agency. The proponent will be required to submit for Approval of NPDES Stormwater Pollution Prevention Plans for Construction of Industrial General Permits Discharging to Outstanding Resource Waters (ORWs) from MassDEP. Site Plan Approval, a Stormwater and Erosion Control Permit, and a Soil Absorption Permit must be obtained from the Town of Southborough.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that may have significant environmental impacts and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction exists over traffic, wetlands, and stormwater.

### Wetlands

The project site contains areas of historic wetland fill and replication in conjunction with the original driveway curb cut and construction. Temporary wetland impact to approximately 1,565 sf of Bordering Vegetated Wetlands (BVW) is anticipated in connection with utility installation. MassDEP has noted that surface water that may receive storm water discharges from this site, during and after construction, include wetlands and an unnamed intermittent stream that is tributary to both Crystal Pond and the Sudbury Reservoir. All are surface waters that are designated as ORWs.

MassDEP has indicated in its comment letter that the project will require a Section 401 WQC for the temporary wetland alterations because the project is within an ORW. This state permit was not identified in the ENF as a required permit for completion of the preferred project

alternative. The proponent should file the appropriate Section 401 WQC application and supporting documentation for consideration and approval from MassDEP prior to commencement of the project.

The preferred project alternative avoids direct alteration of the local wetlands bylaw 20-foot "no disturbance" buffer zone. The proponent must complete an additional wetland replication area to replace the failed wetland replication areas associated with the previous Order of Conditions (MassDEP File Nos. 290-106 through 290-109) for the curb cut, driveway construction, and other site improvements.

Several issues pertaining to the project should be resolved during the Superseding Order of Conditions review and approval process. The proponent should confirm with MassDEP that appropriate protocols were utilized to determine the intermittent nature of the unnamed stream. Furthermore, the proponent should provide MassDEP with a summary of the activities previously permitting under a MassDEP Superseding Order of Conditions, DEP File Nos. 290-106 through 290-109. This information should include, but not be limited to, work already completed, wetland crossings, wetland replication, and grading and drainage within 100 feet of wetlands. This information should compare limits of work approved under the previous Superseding Orders of Condition and the existing conditions on site. Finally, the proponent should work with MassDEP (and local Board of Health officials as necessary) to resolve the dispute regarding the proposed locations of subsurface drainage structures so that they may be located in a manner consistent with stormwater management policies and Title 5.

### Stormwater

As noted previously, the wetlands on the project site are tributary to an ORW. Stormwater runoff must be treated for 1.0 inches of runoff in accordance with the MassDEP Stormwater Management Policy (SMP) for discharges to critical areas. The ENF outlines stormwater management Best Management Practices (BMPs) including deep sump catch basins, sediment trap forebays, extended wetland detention basins that yield a 90% total suspended solids (TSS) removal efficiency, and an Operations and Maintenance Program. Clean stormwater roof runoff from buildings will be infiltrated into the ground. I encourage the proponent to comply with the recently updated MassDEP stormwater management regulations (promulgated in January 2008), to the maximum extent practicable. The project must prepare a Stormwater Pollution Prevention Plan (SWPPP) that complies with both the NPDES Construction General Permit requirements, as well as those required by the Southborough Stormwater and Erosion Control Bylaw. The project will be required to file for Approval of NPDES Stormwater Pollution Prevention Plans for Construction of Industrial General Permits Discharging to ORWs from MassDEP to determine if additional stormwater pollution control measures will be required beyond the SWPPP to protect the ORW.

### Traffic and Site Access

The project will be accessed from Route 9 eastbound, a state-controlled roadway. Under existing conditions, Route 9 in this area conveys approximately 55,000 average daily vehicle trips. The project will introduce 1,116 new vehicle trips to the roadway. The shoulder widening and curb cut construction to accommodate site development was completed in the 1990s. No additional roadway improvements have been identified in association with the project as presently proposed in the ENF.

As part of the new application for a MassHighway Access Permit, the proponent should prepare and submit to MassHighway a limited traffic impact and access study, as well as specific design details related to the existing curb cut along Route 9. The proponent should continue to work with the MassHighway District 3 Office to address any remaining issues that may arise during the permitting process.

As presented in the ENF, the proponent intends to access the three separate building lots via a common driveway utilizing the single, existing curb cut from Route 9. The proponent will be required to demonstrate compliance with local zoning frontage requirements in order to access the project site as put forth in the ENF. The lots appear to be constrained by wetland resource areas with regard to physical access to each individual lot. If accessed individually (i.e. in lieu of the proposed common driveway), each lot would likely require a curb cut permit from MassHighway and an Order of Conditions from the Southborough Conservation Commission. It is unclear at this time as to whether or not legal frontage for each lot could be obtained to meet the standards set by the Southborough Zoning Enforcement Officer. Should local review and approvals necessitate a reconfiguration of lot access or other significant design modifications, the proponent may be required to file a Notice of Project Change (NPC) in accordance with 301 CMR 11.10 with the MEPA office.

### Construction Period Impacts

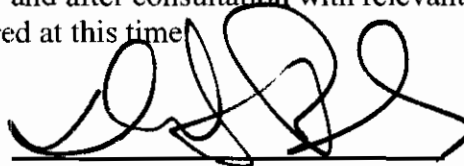
The proponent should take measures to reduce potential demolition and construction period impacts (including but not limited to noise, vibration, dust, and traffic flow disruptions). The proponent must comply with MassDEP's Solid Waste and Air Quality Control regulations during construction. I encourage the proponent to incorporate construction waste recycling activities as a sustainable measure for the project. The proponent should consult with MassDEP for appropriate standards and guidelines for managing construction waste.

I encourage the proponent to mitigate the construction period impacts of diesel emissions to the maximum extent feasible. This mitigation may be achieved through participation in the MassDEP Diesel Retrofit Program. The proponent should work with MassDEP staff to implement construction-period diesel emission mitigation, which could include the installation of after-engine emission controls such as oxidation catalysts or diesel particulate filters. I remind the proponent that off-road equipment engines must use low sulfur diesel (LSD) fuel as of July 2007, as required by a 2004 regulation issued by the U.S. EPA. I encourage the proponent to

further mitigate construction period air quality impacts through the use of ultra low sulfur diesel (ULSD) fuel in off-road engines, which contains even lower sulfur content than LSD.

Based on the information in the ENF and after consultation with relevant public agencies, I find that no further MEPA review is required at this time.

May 9, 2008  
Date



Ian A. Bowles

Comments received:

- 04/22/2008 Beals Associates, Inc.
- 04/28/2008 Southborough Planning Board
- 04/28/2008 Southborough Conservation Commission
- 04/29/2008 Massachusetts Department of Environmental Protection – CERO
- 04/29/2008 Beals and Associates, Inc. (second letter)
- 05/01/2008 Executive Office of Transportation

IAB/HSJ/hsj