



The Commonwealth of Massachusetts
Executive Office of Energy & 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/en>
vir

May 23, 2008

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

PROJECT NAME : Ron Bouchard's Auto Center Development
PROJECT MUNICIPALITY : Lancaster
PROJECT WATERSHED : Nashua
EOEA NUMBER : 14228
PROJECT PROPONENT : Ron Bouchard's Auto Sales
DATE NOTICED IN MONITOR : April 23, 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 **requires** the preparation of a mandatory Environmental Impact Report (EIR). The proponent must prepare a Draft and a Final EIR in fulfillment of the requirements of Section 11.03 of the MEPA regulations.

As described in the Environmental Notification Form (ENF), the proposed project involves the development of a 98,154 sf auto dealership comprised of 4 separate buildings on approximately 30 acres of a 105-acre development parcel located off Old Union Turnpike Road (also known as Leominster-Harvard Road) in Lancaster. The remaining 75 acres of the development parcel ('future development parcel') is to be reconfigured and redeveloped by others to include a new truck sales and service center, a lime supply facility, and one or more additional development parcels fronting on Old Union Turnpike Road. The proposed auto center development project will also include construction of 371 surface parking spaces for employee and customer parking and new vehicle inventory. The 105-acre development parcel is located on the southern side of the Old Union Turnpike Road abutting the eastern property line of the Lancaster Golf Center (EEA#14220).

The southern and eastern portions of the site are bordered by bordering vegetated wetlands (BVW). The project will involve the construction of two new site drives, associated utilities, stormwater management infrastructure, retaining walls, grading, the construction of a private on-site Title 5 wastewater treatment system, and two water supply wells. Increased storm water runoff rates and volumes will be controlled through the proposed stormwater management system with the use of Best Management Practices that comply with the Department of Environmental Protection's (MassDEP's) stormwater management policies and standards. Construction term sediment and erosion control measures will be implemented to manage stormwater runoff and minimize erosion during construction. The proponent has outlined proposed mitigation measures that will alleviate infrastructure strain due to an anticipated increase in traffic trips associated with the proposed project.

This project is subject to a mandatory EIR pursuant to Sections 11.03(1)(a)(2), of the MEPA regulations because it creates 10 (10.8 acres total) or more acres of impervious area. The project will require a Water Supply permit, a Pump Test permit, a Major Groundwater Discharge permit and an Approval to Construct a Water Treatment Facility from the MassDEP. It must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over one acre. An Order of Conditions has been issued from the Lancaster Conservation Commission for work within wetland resource areas.

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 land alteration and water supply.

Future Development

According to the proponent's statements made at the MEPA consultation session and described in the supplemental information to the ENF provided by the proponent, the 30-acre project site is part of a 105-acre development parcel that is currently owned and controlled by the proponent and JC Madigan. The remaining 75 acre-development parcel ('future development parcel') abutting this project site's western and southern property boundaries will be reconfigured and developed by JC Madigan to include a new truck sales and service center, a lime supply facility, and a number of small future development lots fronting on Old Union Turnpike.

Under the anti-segmentation provisions of the MEPA Regulations (Section 11.01 (2)c), I must consider all the circumstances to determine if the proposed development activities associated with the development of the 105-acre development parcel constitute one project including but not limited to: whether the proposed work taken together comprise a common plan or independent undertakings regardless of the number of proponents, a time interval between the work or activities, and whether the environmental impacts caused by the proposed work are separable or cumulative. I am therefore requiring that a Notice of Project Change (NPC) be filed with the MEPA Office for any future development proposal that may be proposed for the 75-acre future development parcel. The NPC will need to discuss both the potential cumulative infrastructure impacts and site planning issues arising out of the full build-out development (allowable as-of-right under current local zoning) of the future development parcel and the auto center development project. The proponent should consult with the MEPA Office prior to filing the NPC.

SCOPE

General

The EIR should follow the general guidance for outline and content contained in section 11.07 of the MEPA regulations, as modified by this Certificate. The EIR should contain a copy of this Certificate and a copy of each comment received. The proponent should circulate the EIR to those parties who commented on the ENF, to any state agencies from which the proponent will seek permits or approvals, and to any parties specified in section 11.16 of the MEPA regulations.

Project Description and Permitting

The ENF contains a description of the proposed project, including information on grading, lighting and landscaping. The EIR should also include existing and proposed grading plans and information on buffers between the site and adjacent uses. The EIR should provide a detailed project description with a summary/history of the existing and proposed parcel configuration associated with the 105-acre development parcel. The EIR should identify and describe any project phasing. The EIR should briefly describe each state permit required for the project, and should demonstrate that the project meets any applicable performance standards. The EIR should provide a detailed description of the use, location of entry driveways associated with the future development parcel described above.

Alternatives

The EIR should analyze the No-Build Alternative and the proposed preferred alternative with additional information showing build-out of the future development parcel in a manner consistent with the existing traffic study and local zoning. It should discuss the project's consistency with Lancaster zoning, land use plans and applicable regional planning documents. As currently designed, the proposed auto center project will alter nearly half of the 30-acre project site and will result in impervious coverage for approximately 37 percent of the project site. The EIR should investigate all feasible methods of avoiding, reducing, or minimizing impacts to land. For each alternative, the EIR should quantify the amount of land altered, the amount of earth work involved in meeting final grades, anticipated locations and heights of retaining walls, and the amount of impervious surfaces created.

Wetlands/Drainage

As described in the ENF, the project will not result in any impacts to wetland resource areas including BVW, Bordering Land Subject to Flooding (BLSF) or Riverfront Area (RA). The proponent has received an Order of Conditions from the Lancaster Conservation Commission for the project. I note that the project will result in direct impacts to wetland buffer area located primarily along the project site's eastern boundary.

Stormwater

According to the proponent, the project's stormwater management plan has been designed to meet MassDEP's Stormwater Management Policy standards. The proposed stormwater management system includes deep-sump catch basins, water quality units and subsurface detention basins to achieve a Total Suspended Solids (TSS) removal rate of greater than 80 percent and provide for the on-site infiltration of a portion of the project's on-site surface stormwater and roof runoff. The proposed stormwater management system also includes the construction of two stormwater detention basins with forebays to be located in the southern portion of the project site.

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/>.

Water Supply

The project will include the development of two new water supply wells to be located within the abutting 75-acre future development parcel, to provide potable water supply for the proposed auto center development project and the future development parcel's land use activities. The EIR should include a discussion of test results related to potential well yields, the location of associated Zone I and Zone II wellhead protection areas and their relationship to existing wetlands resource areas and land use activities within the project area due to water withdrawal from the proposed water supply wells. According to the comments received from MassDEP, the approved withdrawal rate for the proposed wells will be determined upon the pump test results and the final design plans for the auto center project and the future development parcel. The EIR should provide a detailed discussion of the ownership control of the associated Zone I wellhead protection areas. Considerations for water conservation should be made through the investigation of xeriscaping opportunities associated with on-site landscaping. The proponent should identify the potential use of on-site irrigation, including estimated water demand for irrigation purposes.

Wastewater

The ENF indicates that the project will generate approximately 9,867 gallons per day (gpd) of wastewater. The project's wastewater flows will be served by an individual private on-site wastewater treatment system in accordance with Massachusetts Title 5 regulations.

Traffic

The Proponent has prepared a Traffic Impact and Access Study (TIAS) in accordance with Executive Office of Energy & Environmental Affairs (EEA)/Executive Office of Transportation and Construction (EOTC) guidelines. Using the Institute of Transportation Engineers (ITE) Trip Generation manual's land use code 841 (New Car Dealership), the Proponent estimates a total of 3,270 vehicle trips per day (vtd) associated with the proposed project.

The main access to the site will be provided via two new site drives including a 2-lane (westerly) site drive located on Old Union Turnpike Road and a single lane site drive located approximately 500 feet east of this main site drive on Old Union Turnpike Road. The Proponent has outlined a transportation mitigation program in the ENF to address potential project-related traffic impacts to project area roadways and intersections. The following mitigation measures are identified:

- Construct a short right-turn lane for the eastbound approach;
- Widen approximately 1,200 lf of Old Union Turnpike Road on the westbound approach to enable a by-pass lane;
- re-timing of the existing signalized intersection traffic signal;
- install signage and STOP bar marked at the site access driveway approach to Old Union Turnpike Road; and,
- Contribute \$50,000.00 to the Town of Lancaster towards the cost of improving the Route 70/Old Union Turnpike Road intersection.

Construction Period

The EIR should present a discussion on potential construction period impacts (including but not limited to noise, vibration, dust, and traffic flow disruptions) and analyze and outline feasible measures, which can avoid or eliminate these impacts. I encourage the proponent to consider participating in MassDEP's Clean Construction Equipment Initiative / MassDEP Retrofit Program consisting of an engine retrofit program and/or use of low sulfur fuel to reduce exposure to diesel exhaust fumes and 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.

Sustainable Design

I encourage the proponent to 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 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;
- LEED certification; and
- **Water conservation and reuse of wastewater and stormwater.**


Mitigation

The mitigation section should include a proposed Section 61 Finding for all state permits. The proposed Section 61 Finding should contain 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. A schedule for the implementation of mitigation should also be included.

Comments

The EIR should respond fully to the substantive comments received. The EIR should present additional technical analysis and/or narrative as necessary to respond to the comments received for this project. The proponent should circulate a copy of the EIR to any party submitting written comments on the ENF and in accordance with Section 11.16 of the MEPA Regulations. The EIR should contain a copy of this Certificate and of each comment received. A copy of the EIR should be made available for public review at the Lancaster and Leominster Public Libraries.

May 23, 2008
Date


Ian A. Bowles, Secretary

Comments Received: (continued on next page)

- 04/11/08 Cara Sanford, Lancaster Conservation Commission
- 04/28/08 John Sisk
- 04/10/08 Cara Sanford

Comments Received: (continued)

04/15/08	Cara Sanford
04/23/08	Cara Sanford
04/24/08	Department of Environmental Protection (MassDEP) - CERO
05/05/08	MA Department of Conservation and Recreation (DCR)
05/12/08	Department of Environmental Protection (MassDEP) - CERO

EEA #14228 ENF
IAB//NCZ/ncz