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June 15, 2007

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

PROJECT NAME : Attleboro Intermodal Transportation Center and
 Transit Oriented Development (TOD)
 PROJECT MUNICIPALITY : Attleboro
 PROJECT WATERSHED : Ten Mile River
 EOEА NUMBER : 13998
 PROJECT PROPONENT : Attleboro Redevelopment Authority
 DATE NOTICED IN MONITOR : April 11, 2007

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.06 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).

The proposed project consists of redevelopment of a 26-acre site (the Riverfront District) and is being designed as a Transit-Oriented Development (TOD). The site is currently used by the Attleboro Department of Public Utilities (DPW), which will be relocated to an off-site location, and as a parking lot for the Attleboro MBTA commuter rail station. The project will include demolition of existing buildings, construction of a 900-space multi-level parking garage, a 180-space surface parking lot, 300 residential units (including townhouse and multi-family), and 35,000 square feet (sf) of commercial development. The project will consolidate the existing surface parking from the commuter rail station (665 spaces) and the Union Street parking lot (100 spaces) into the proposed multi-level parking structure. The project includes relocation of an existing bus terminal from Union Street to the project site. The new bus terminal will provide ten bus bays, two small berths for mini-buses, a taxi waiting area, bicycle lockers, public restrooms, and 1,500 sf indoor waiting area and offices for use by the Greater Attleboro Regional Transportation Authority (GATRA). The project includes riverbank restoration and an extension of the Balfour Riverwalk, and will enhance public access along the Ten Mile River.

According to the Expanded Environmental Notification Form (ENF), the project will generate on average 2,821 new vehicle trips per day and will result in approximately 615 new parking spaces (315 associated with the ITC and 300 associated with the new residential units).

Water use and wastewater generation is estimated in the ENF at 90,000 gallons per day (gpd). The project will result in approximately 7 acres of new impervious area, for a total of 17 acres of impervious area. Most of the 26-acre site, which has been previously disturbed, will be altered as part of the redevelopment. The entire DPW facility (approximately 10 acres) is currently located in Riverfront Area. Based on the existing 200-foot buffer zone pursuant to the Rivers Protection Act, proposed alteration would affect 400,000 sf of Riverfront Area (an area of approximately 2,000 linear feet and 20-foot width). However, the proponent intends to file a Densely Developed Area (DDA) petition to reduce Riverfront Area from 200 to 25 feet. If the DDA petition is approved by EOEEA, the project will alter approximately 5,000 sf of Riverfront Area.

Project History

An ENF was previously filed for the Attleboro ITC (EOEA# 13171) and a Certificate with a Scope for an EIR was issued on February 13, 2004. However, a new Attleboro Urban Renewal and Revitalization Plan (URP) Plan has since been developed, which proposes an alternate location for the ITC. The proponent has withdrawn the ENF for the previous proposal (EOEA #13171) and filed a new ENF for the proposed ITC and Transit Oriented Development (TOD) in the Riverfront District.

Phase I Waiver and Single EIR Request

In the ENF filed on April 2, 2007, the proponent requested a Phase I waiver to allow building acquisition and demolition prior to completion of an EIR, and requested a Single EIR rather than the usual two-step draft and final EIR process. However, it was not clear from the ENF whether the project would meet or exceed any mandatory EIR thresholds. An extension of the comment period was granted so that the proponent could circulate additional information to clarify the project and its impacts. Based on the additional information submitted, the project does not exceed any mandatory EIR thresholds and I have determined that an EIR is not required. Therefore, the request for a Phase I waiver and Single EIR is not applicable.

MEPA Jurisdiction and State Actions Required

The proposed project is undergoing environmental review because it involves state agency actions and exceeds MEPA thresholds that require the filing of an Environmental Notification Form (ENF). The project is undergoing MEPA review pursuant to Section 11.03(1)(b)(2) of the MEPA regulations because it will result in creation of five or more acres of impervious area, Section 11.03(b)(7) because it requires approval in accordance with M.G.L. c 121B of a new urban renewal plan, Section 11.03(6)(b)(13) because it will result in generation of 2,000 or more new average daily trips (adt), Section 11.03(6)(15) because it involves construction of 300 or more new parking spaces at a single location, and Section 11.03(3)(b)(f) because it may result in alteration of 1/2 acre or more of Riverfront Area (depending on the outcome of the proponent's DDA petition).

The project requires Department of Housing and Community Development (DHCD) approval of the new Attleboro Urban Renewal and Revitalization Plan (URP). The project requires a Sewer Extension Permit from the Massachusetts Department of Environmental Protection (MassDEP). The project requires an Order of Conditions from the Attleboro Conservation Commission (and, on appeal only, a Superseding Order from MassDEP). The proponent intends to file a Densely Developed Area (DDA) Petition pursuant to 310 CMR 10.00, which if approved by EOEEA, would result in a 25-foot Riverfront Area on the project site. The project will receive funding in the amount of \$200,000 from the Massachusetts Bay Transportation Authority (MBTA). The proponent is seeking funding from the Massachusetts Office of Business Development (MOBD), and MassDevelopment.

The project involves funding from the Commonwealth of Massachusetts. Therefore, MEPA jurisdiction is broad and extends to all aspects of the project with the potential to cause Damage to the Environment as defined in the MEPA regulations.

ENF Review

The ENF included a description of the project and the new Downtown Urban Renewal and Revitalization Plan for the City of Attleboro, and information on baseline environmental conditions of the project site. The ENF included a traffic impact analysis for the proposed ITC and an assessment of traffic impacts associated with other components of the TOD proposed for the Riverfront District. The ENF included a description of proposed traffic mitigation measures, and measures to avoid and minimize, or mitigate potential stormwater and construction-related impacts. The ENF also included the Environmental Assessment (EA) conducted for the Federal Transit Authority (FTA), which included a discussion of alternatives, a summary report on the historic resource survey of the project area, and a letter from the FTA to the Massachusetts Historic Commission (MHC) with a determination that no historic properties will be affected as a result of the project. The MHC comment letter included its concurrence with the FTA's effect determination for the project.

According to the ENF, the project will generate approximately 90,000 gpd of wastewater, which will be conveyed to the Attleboro Wastewater Treatment Plant (AWTP). Water supply for the project (90,000 gpd) will be obtained from the City of Attleboro. The proponent should obtain a written statement from the Attleboro Water Department stating that an adequate supply of excess water is available for the project.

The MassDEP, in its comment letter, identified four former disposal sites and one current disposal site in the vicinity of the proposed project. As noted in the MassDEP letter, there are specific requirements detailed in Activity and Use Limitations (AULs), which must be met to maintain two Class A Response Action Outcomes (RAOs) for the project area. If the AUL requirements cannot be met, a Licensed Site Professional (LSP) Opinion must be filed with MassDEP prior to disturbing the area. I refer the proponent to MassDEP's comments regarding notification requirements if oil and/or hazardous material is identified during project implementation. The proponent should consult with MassDEP's Bureau of Waste Site Cleanup (BWSC) for any additional guidance that may be needed.

As further detailed in the MassDEP comment letter, the City of Attleboro was awarded an EPA/MassDEP grant for stormwater remediation on the project site to mitigate direct discharges and outfalls to the Ten Mile River. The stormwater management systems installed as part of this grant should be left in place if possible, as requested by MassDEP, and maintained in good working order to continue improving water quality in the Ten Mile River. If stormwater structures need to be relocated, MassDEP requests that the structures be used elsewhere to remediate pollution to the Ten Mile River or another 303(d) listed impaired water body in the City. The proponent should consult with MassDEP regarding the stormwater management system, and to identify alternate locations for stormwater structures if relocation is necessary.

Mitigation

As further detailed in the ENF, the proponent has committed to measures to avoid, minimize and mitigate project-related impacts, including:

Traffic: proposed improvements to address existing deficiencies and project-related impacts include the realignment of Wall Street and Mill Street; encouraging use of alternative routes by implementing geometric and traffic control improvements; relocation of existing MBTA access driveway and providing a second access driveway;

Wetlands: riverbank restoration and extension of public greenway along river; compensatory storage to address existing flooding problems and potential impacts associated with project activities in the 100-year and 500-year Floodplain;

Stormwater: the project will be designed to meet water quality and stormwater management requirements pursuant to the MassDEP Stormwater Management Policy, the U.S. Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES), and relevant local bylaws and regulations; and

Construction: noise mitigation measures, erosion and sedimentation controls, and other measures to avoid air and water quality impacts.

Sustainable Design

I encourage the proponent to consider high-performance/green building and additional sustainable design measures to avoid and minimize environmental impacts. Sustainable design measures, which can reduce project development and long-term operational costs, may include:

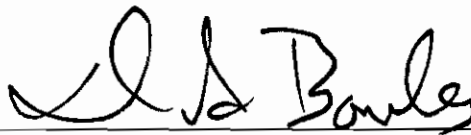
- Leadership in Energy and Environmental Design (LEED) Certification for New Construction, EnergyStar Certification and LEED Certification for Homes;
- water conservation and reuse of wastewater and stormwater;
- ecological landscaping;
- green roofs;

- use of Low Impact Development (LID) techniques (the proponent may find the following web sites useful www.mass.gov/envir/lid and www.lid-stormwater.net and: <http://www.epa.gov/owow/nps/lid/>;
- 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;
- implementation of a solid waste minimization and management plan; and
- provision of easily accessible and user-friendly recycling system infrastructure.

I have determined that the ENF has sufficiently defined the nature and general elements of the project, and proposed measures to avoid, minimize and mitigate project-related impacts. Based on review of the ENF and comment letters received, I find that the impacts associated with the project do not warrant further MEPA review. I am satisfied that any remaining issues can be adequately addressed during the state and local permit and review processes.

June 15, 2007

DATE



Ian A. Bowles, Secretary

Comments Received

- 4/19/07 Massachusetts Historical Commission
- 5/11/07 Department of Environmental Protection, Southeast Regional Office
- 6/08/07 Stephen Kaiser

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