



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/envir>

June 19, 2009

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE

PROJECT NAME : Ron Bouchard's Auto Sales and Proposed Commercial
Development
PROJECT MUNICIPALITY : Lancaster
PROJECT WATERSHED : Nashua
EOEA NUMBER : 14228
PROJECT PROPONENT : M.B. Realty Corporation
DATE NOTICED IN MONITOR : May 6, 2009

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (G.L.c.30, ss. 61-62I) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) describing the M.B. Realty Corporation's proposed development of a 75-acre development parcel abutting the previously reviewed Ron Bouchard's Auto Sales and Proposed Commercial Development (Bouchard Auto Sales) project site and hereby determine that it **does not require** the preparation of an Environmental Impact Report (EIR).

Background / Previous MEPA Review

The Bouchard Auto Sales project site was part of a 105-acre development parcel containing 75 acres of land originally owned by M.B. Realty Corporation (MB Realty), the Proponent, and 28.4-acres of land owned by Bouchard Auto Sales. MB Realty and Bouchard Auto Sales completed a reconfiguration and transfer of their respective properties that provided MB Realty with a revised 75-acre development parcel configuration containing Lots 1-3 and provided Bouchard Auto Sales with a 29.5-acre project site containing Lots 4-6 that abuts the east side of of the MB Realty development parcel.

The Bouchard's Auto Sales project underwent MEPA review beginning in May 2008. That project included the development of a 98,154-square foot (sf) auto dealership comprised of four separate buildings and the construction of 371 surface parking spaces on the 29.5-acre parcel located on the southern side of Old Union Turnpike Road (also known as Leominster-Harvard Road) in Lancaster and adjacent to the Lancaster Golf Center (EEA#14220).

The Secretary's Certificate on the FEIR (issued on October 17, 2008) required that a Notice of Project Change (NPC) be filed with the MEPA Office for any future development proposed for the 75-acre MB Realty development parcel in order to allow review of discuss the potential cumulative impacts to water supply, wastewater, wetlands, stormwater and site planning issues arising out of the full build-out (allowable as-of-right under current local zoning) of the MB Realty development parcel and the Bouchard Auto Sales project. The Secretary's Certificate on the FEIR also required the NPC to function as a "master plan" to guide the layout and development of land along this section of the Old Union Turnpike Road corridor in a manner that minimizes overall impacts.

NPC Project Change Description

MB Realty is now proposing to develop its 75-acre development parcel to include three abutting development lots with frontage on Old Union Turnpike Road. As currently designed, Lot 6 will include a 76,200 sf building to house a truck equipment sales and service facility and a lime distribution facility. Lots 4 and 5 will include a 58,267 sf office building and a 100-seat 5,100 sf restaurant with drive-through service, respectively. According to the information provided by the Proponent and listed in the table below, the MB Realty development project will result in the creation of 10.56 acres of additional impervious surface area and 652 new surface parking spaces, and will result in the generation of approximately 1,527 new vehicle trips per day.

The cumulative impacts associated with the Bouchard Auto Sales project and the MB Realty project will result in the construction of 1,023 surface parking spaces and the creation of approximately 21.40 acres of impervious surface area. Upon completion, these two projects will result in approximately 2,270 sf of impacts to BVW and 5.0 acres of wetlands buffer. These projects will generate approximately 4,800 daily vehicle trips to and from the site.

MB Realty Corporation/Bouchard Auto Sales - Cumulative Impacts

Project Description	MB Realty Corporation				Bouchard Auto Sales	TOTAL
	Lot 4	Lot 5	Lot 6	Total		
Project Area (Acres)	4.49	3.51	66.01	74.00	29.46	103.47
Total Disturbed Area (Acres±)	3.78	2.92	23.54	30.24	15.58	46.04
Total Impervious Area (Acres±)	2.41	1.20	6.95	10.56	10.80	21.36
Total BVW Alteration (SF)	0	0	2,265	2,265	0	2,265
Total Wetland Buffer Impacts (SF)	0.71	0.48	1.97	3.16	1.83	4.99
Buildings - Footprint (SF)	58,267	5,100	93,000	156,367	98,154	254,521
Vehicle Trips Per Day (VTD)	642	483	402	1,527	3,270	4,797
Surface Parking Spaces	234	96	322	652	371	1,023
Water Supply (Muni=Municipal, Private=Private Well)	Private	Private	Private	Private	Private	
Total Water Use (GPD)	3,500	4,370	1,995	9,865	9,865	19,730
Wastewater (Muni=Municipal, Private=Title 5)	Private	Private	Private	Private	Private	
Total Wastewater Use (GPD)	3,500	4,370	1,995	9,865	9,865	19,730

MEPA Jurisdiction and Required Permits

The Bouchard Auto Sales project was subject to a mandatory EIR pursuant to Sections 11.03(1)(a)(2), of the MEPA regulations because it will create ten or more acres of impervious area. The Bouchard Auto Sales project required a Water Supply permit and a second Pump Test permit from MassDEP, and was required to 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 was issued for the Bouchard Auto Sales project by the Lancaster Conservation Commission for work proposed within wetland resource areas. MassDEP has indicated that the proposed jointly owned water supply system is deemed to be under single ownership pursuant to 310 CMR 15.011 and would therefore require a groundwater discharge permit. Because the Bouchard Auto Sales proponent did not seek financial assistance from the Commonwealth for the project, MEPA jurisdiction extended to those aspects of the project that are within the subject matter of required or potentially required state permits and that could cause damage to the Environment as defined in the MEPA regulations. MEPA jurisdiction extended to land alteration, wetlands, stormwater and water supply.

The MB Realty development project is required to 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 for work proposed within wetland resource areas on Lot 6 was issued by the Lancaster Conservation Commission. An Order of Conditions from the Lancaster Conservation Commission will also be required for any work proposed within wetland resource areas on Lots 4 and 5 and on appeal only, a Superseding Order of Conditions from MassDEP. The MB Realty development project does not appear to exceed MEPA review thresholds and does not appear to require any other state permits.

However, as described above, the Proponent was required to submit a Notice of Project Change to the MEPA Office to enable Agency review of the potential cumulative environmental impacts of this project and the Bouchard Auto Sales project.

REVIEW OF NOTICE OF PROJECT CHANGE

Wetlands/Drainage

The 75-acre MB Realty development parcel contains an extensive system of wetland resources primarily located within Lot 6. The proposed development project will result in the alteration of approximately 2,920 sf of bordering vegetated wetlands (BVW) and approximately 2,782 sf of bordering land subject to flooding (BLSF) associated with the construction of a 2,163 lf site driveway to serve Lot 6. The project will also impact 3.16 acres of the 100-foot wetland buffer zone for the construction of surface parking spaces, stormwater management infrastructure on Lots 4 and 5 and the construction of the Lot 6 site driveway. The Proponent has committed to construct approximately 5,883 sf of on-site wetlands replication (2:1 replacement ratio) to be located adjacent to existing BVW located on the east and west sides of the proposed box culvert crossing for the Lot 6 site driveway. The Proponent has also committed to construct approximately 2,782 sf of compensatory flood storage area to be located west of the proposed box culvert crossing. The Proponent will be required to submit a wetlands replacement monitoring report to the Lancaster Conservation Commission following two growing seasons that describes the condition and effectiveness of the wetlands replacement area. The Proponent has already received an Order of Conditions from the Lancaster Conservation Commission for the construction of the Lot 6 portion of the proposed development project.

Stormwater

As described in the NPC, roof runoff and surface stormwater flows from the Lot 6 development project will be collected in deep sump catch basins and piped to four separate on-site infiltration basins with forebays for onsite infiltration. The site plan provided with the NPC illustrates the proposed use separate stormwater infiltration basins, located in the rear portions of Lots 4 and 5, to manage their respective roof runoff and surface stormwater flows. The Proponent's stormwater management plan for each of the three development lots must be designed to meet MassDEP's Stormwater Management Regulations and the Town of Lancaster's stormwater management regulations. The Proponent's proposed stormwater management systems should include best management practices (BMPs) and approved stormwater management technologies to achieve a Total Suspended Solids (TSS) removal rate of at least 80 percent and provide for the on-site infiltration of the project's on-site surface stormwater and roof runoff. The Proponent will need to submit a Notice of Intent (NOI) to the Lancaster Conservation Commission for work proposed within wetland resource areas on Lots 4 and 5.

I strongly 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 Bouchard Auto Sales project included the development of two new water supply wells (PW-1, PW-2), a water pump station and water storage tanks to be located on the 75-acre MB Realty development parcel. The Proponent has proposed to construct a network of approximately 3,000 lf of 8-inch water mains and hydrants to provide potable water supply to each of the three MB Realty development lots and to the Bouchard Auto Sales project. According to the Proponent, safe yield pump tests have been completed by the Bouchard Auto Sales proponent and indicate that the proposed water supply wells have a sufficient combined safe yield capacity (17.4 gallons per minute (gpm)) to serve the projected total potable water demand for the Bouchard Auto Sales project (6.85 gpm) and the MB Realty development project (6.85 gpm). In its comments on the NPC, MassDEP has indicated that the Proponent will need to install a separate well to serve any irrigation needs for the MB Realty development project. The Proponent has provided additional information to the MEPA Office indicating that a new entity (OUT Water, LLC) was formed on September 1, 2008 by the proponents for the Bouchard Auto Sales project and the MB Realty development project to jointly own and operate the proposed water supply system described above. As noted above, the proposed jointly owned water supply system is deemed by MassDEP to be under single ownership pursuant to 310 CMR 15.011 and would therefore require a groundwater discharge permit.

Wastewater

The MB Realty development project will generate a total of approximately 9,865 gallons per day (gpd) of wastewater flows. As currently designed, the wastewater flows from each of the three development lots will be served by new individual private on-site wastewater treatment systems in accordance with Massachusetts Title 5 regulations.

Traffic

The NPC submittal and additional information provided by the Proponent includes a brief discussion of the MB Realty development project's potential traffic impacts. Using the Institute of Transportation Engineers (ITE) Trip Generation manual's land use codes 110 (General Light Industrial), 832 (Restaurant) and 710 General Office) the Proponent estimates that the MB Realty development project will generate a total of 1,527 new vehicle trips per day (vtd). The main access to each of the three proposed development lots will be provided via new individual site drives located on Old Union Turnpike Road. According to the Proponent, the Bouchard Auto Sales project mitigation commitments listed below will also address the potential project-related traffic impacts associated with the proposed MB Realty project:

- Construction of a short right-turn lane for the eastbound approach;
- Widening approximately 450 lf of Old Union Turnpike Road on the westbound approach to the project site drive to allow for a by-pass lane;
- Re-timing of the existing signalized intersection traffic signal;
- Installation of signage and a STOP bar marked at the site access driveway approach to Old Union Turnpike Road; and,
- Contribution of \$50,000.00 to the Town of Lancaster towards the cost of improving the Route 70/Old Union Turnpike Road intersection.

Construction Period

The Proponent should 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 percent 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 and wellhead protection areas.

Sustainable Design

In addition to incorporating potential additional LID techniques into the final project design, I strongly 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 heating, ventilation and air conditioning (HVAC) and lighting

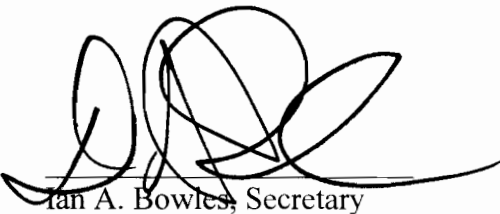
- systems, appliances and other equipment, and use of solar preheating of makeup air;
- Provision of easily accessible and user-friendly recycling system infrastructure into building design;
 - Development of a solid waste reduction plan;
 - LEED certification; and
 - Water conservation and reuse of wastewater and stormwater.

These measures have the potential to reduce energy usage of the project buildings and to reduce greenhouse gas (GHG) emissions associated with the project.

Conclusion

Based on review of the NPC and comment letters received, and consultation with relevant state agencies, I find that the NPC has adequately assessed potential impacts and committed to measures to avoid, minimize and mitigate environmental impacts. I am satisfied that any outstanding issues can be addressed through the state and local permit and review process. State agencies should forward their Section 61 Findings to the MEPA Office for publication as required under 301 CMR 11.12.

June 19, 2009
DATE



Ian A. Bowles, Secretary

Comments Received on the NPC:

05/18/09	Cara Sanford
05/19/09	S.J. Mullaney Engineering, Inc.
05/26/09	Department of Environmental Protection (MassDEP) – CERO
05/29/09	Montachusett Regional Planning Commission

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