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June 29, 2007

CERTIFICATE OF THE SECRETARY OF ENERGY and ENVIRONMENTAL AFFAIRS
ON THE
DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Corner Stone Square
PROJECT MUNICIPALITY : Westford
PROJECT WATERSHED : Merrimack
EOEA NUMBER : 13978
PROJECT PROPONENT : Westford LC, LLC
DATE NOTICED IN MONITOR : May 23, 2007

As Secretary of Energy and Environmental Affairs, I hereby determine that the Draft Environmental Impact Report (EIR) submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00). The proponent may prepare and submit for review a Final EIR.

Project Description

As described in the Environmental Notification Form (ENF) and updated in the Draft EIR, the proposed project consists of a 246,810 square foot (sf) retail development including restaurants, office space, a fitness center and associated infrastructure. The uses will be located in eight buildings. Primary access to the site will be provided via a signalized intersection from Littleton Road (Route 110). Secondary access will be provided via additional access drives on Littleton Road and a single driveway on Boston Road (to the northern portion of the site). The project will include construction of 990 additional parking spaces for a total of 1,040 spaces. It will include construction of a private, on-site wastewater treatment facility. The project will be served by municipal water.

The 31-acre site is bounded on the northwest by Route 495, to the east by Boston Road and to the north and south by wetlands. Littleton Road (Route 110) runs through the southern area of the site from west to east. The site contains approximately 2.2 acres of impervious surfaces including parking lots, two commercial buildings, a bank and three single family homes. The undeveloped portion of the site is primarily wooded and contains wetlands, including a certified vernal pool and a potential vernal pool. In addition, a certified vernal pool is located within bordering vegetated wetlands (BVW) that extend onto the southwest border of the site.

Jurisdiction and Permitting

The project is undergoing MEPA review and subject to preparation of a mandatory Environmental Impact Report (EIR) pursuant to Section 11.03 (6)(a)(6) because it requires a state permit and will generate more than 3,000 average daily vehicle trips (adt). The project requires a Groundwater Discharge Permit and a 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP) and an Access Permit from the Massachusetts Highway Department (MassHighway). In addition, it requires an Order of Conditions from the local Conservation Commission (and hence a Superseding Order of Conditions from MassDEP in the event the local Order is appealed).

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that are within the subject matter of required or potentially required state agency permits, and that may cause significant Damage to the Environment. In this case, these include land alteration, traffic, transportation, wetlands/drainage, water quality and wastewater.

Review of the Draft EIR

The EIR includes a thorough description of the proposed project and all project elements and phases. The Draft EIR and comments on it identify concern with meeting regulatory performance standards related to wetlands, stormwater and wastewater. In addition, comments from EOT, the Town of Westford and the Northern Middlesex Council of Governments (NMCOG) identify significant concerns with traffic.

The Draft EIR includes analysis of three alternatives: a No-Build Alternative, a Reduced Build Retail Alternative and the Preferred Alternative. In addition, the proponent was encouraged to incorporate Low Impact Development (LID) techniques into the project. The Reduced Build Retail Alternative consists of a smaller development of the project site (218,281 sf) and includes more open space and landscaped areas. According to the analysis, this alternative reduces impervious surfaces by approximately 2.6 acres (or 115,575 sf), results in similar traffic impacts¹ and lowers water demand and wastewater flow significantly (from 46,000

¹ The traffic analysis compares traffic impacts for the No Build and the Preferred Alternative. It does not analyze the Reduced Build Retail Alternative.

gpd to 24,000 gpd). The Draft EIR does not seriously explore how Low Impact Development (LID) techniques in site design could be incorporated into the project and, as comments from MassDEP and the Town of Westford note, there are many opportunities to incorporate such measures into the Preferred Alternative. Although the Reduced Build may have fewer impacts, the Draft EIR indicates that it is not feasible based on inconsistency with the proponent's goals for this project, including economic feasibility and long-term viability.

The Draft EIR includes a mesoscale air quality analysis as required. Because the amount of volatile organic compounds (VOCs) (and nitrogen oxides (NOx)) in the project area are 1.3 kilograms per day higher than compared to the No-Build, the proponent is required to develop measures to reduce these impacts, including development of a transportation demand management (TDM) program. The Draft EIR includes a TDM program that identifies a range of measures to reduce site-related vehicle trips.

EOT comments indicate that the EIR includes a traffic study prepared in conformance with the EOEEA/EOT Guidelines for EIR/EIS Traffic Impact Assessments. The traffic analysis identifies two intersections that will be significantly impacted by project-generated traffic. These include the Boston Road/I-495 southbound ramps and the Route 110/Boston Road/Carlisle Road (Minot's Corner) intersection. Improvements to the Minot's Corner intersection are planned by MassHighway and are included in the 2010 Northern Middlesex Metropolitan Planning Organization's (MPO) Transportation Improvement Program (TIP). The Draft EIR proposes roadway improvements, including implementation of the Route 110 Corridor Study recommendations, signalization of the site drive and consolidation of curb cuts. Comments on the Draft EIR identify the need for additional analysis of specific roadway segments and identification of adequate mitigation at locations where the project will contribute to a degraded level-of-service (LOS). The Draft EIR does not address how pedestrian access with the adjacent Regency Inn can be improved.

The proponent asserts that the project will not result in any direct wetlands alterations (although comments from the Town of Westford dispute this). The project does include work within the buffer zone to wetlands. The Draft EIR does not quantify and describe impacts within the buffer zone. As noted previously, the site contains a certified vernal pool (VP742) and a potential vernal pool and is in close proximity to a vernal pool (VP667) on the adjacent Regency Inn property. The project will increase impervious surfaces on the site by approximately 19 acres. The project includes construction of a stormwater management system that consists of deep-sump hooded catch basins, water quality treatment units (Hydroguard) and detention basins and infiltration of clean roof-top runoff.

The Draft EIR indicates that vegetation will be altered within 25 feet of the on-site vernal pool and within 50 feet of the off-site vernal pool. Comments from MassDEP and the Town of Westford indicate that these alterations may impact the vernal pools and may not be consistent with regulatory standards.

The Draft EIR notes that wastewater generation will increase by 16,000 gpd for a total of 46,000 gpd. It indicates that the preferred technology for the on-site wastewater system is the Zenon® Membrane Bioreactor. This system will allow the project to reuse wastewater on-site, if

properly treated. The primary leaching area is proposed south of Littleton Road and a potential leaching area is also identified on the northwest side of the site. The Draft EIR includes the results of geotechnical investigations on the site, including groundwater testing, percolation testing, pump-tests, hydraulic load testing and permeability testing, but it does not include a comprehensive geotechnical report, as was required by the Scope. The Draft EIR and comments on it express concern that, although some limited disposal may be possible at the northwestern site, the proposed system may not be adequate to treat and discharge project flows consistent with regulatory standards. The Draft EIR does address MassDEP's concern regarding the location of leaching fields in close proximity to stormwater management systems.

Water demand has increased from 28,600 gpd to 46,000 gpd. The project will include installation of an 8-inch ductile iron water main connected to the 12-inch main in Boston Road and the 12-inch main in Littleton Road. The Draft EIR indicates that the Town has 340,000 gpd of unallocated capacity through its Water Management Act (WMA) authorization; however, the Draft EIR does not include documentation from the Town that capacity is available to serve this project. The Final EIR should include this documentation. The Draft EIR includes identification of water conservation measures including re-use of treated wastewater, water-saving devices (such as low-flow showerheads, faucet aerators and high efficiency toilets) and landscaping design and techniques.

The proponent has indicated that it will participate in the MassDEP Diesel Retrofit Program to mitigate adverse construction-period impacts from diesel emissions.

The purpose of MEPA review is to ensure that a project proponent studies feasible alternatives to a proposed project; fully discloses environmental impacts of a proposed project; and incorporates all feasible means to avoid, minimize, or mitigate Damage to the Environment as defined by the MEPA statute. I have fully examined the record before me, including but not limited to the Scope issued on March 22, 2007, the Draft EIR filed in response; and the comments entered into the record. I find that the Draft EIR is sufficiently responsive to the requirements of the MEPA regulations and the Scope to meet the regulatory standard for adequacy.

While the DEIR is adequate, there is considerably more that could be done to further reduce the environmental impacts of the project, to demonstrate that the project is consistent with regulatory standards and to ensure that adequate steps are taken to avoid, minimize and mitigate project impacts. The Final EIR should include further analysis of measures to minimize impervious surfaces and associated impacts and improve buffer zones between the project and wetland resources. The Final EIR should respond to the issues outlined in this Certificate and respond in detail to comments submitted on the Draft EIR.

Scope for the Final EIR

The Final EIR should follow Section 11.07 of the MEPA regulations for outline and content, as modified by this scope. It should include a copy of this Certificate and all comment letters. The Final EIR should include updated and revised plans that address comments raised on the Draft EIR, including the need to revise the wetland delineations.

Traffic and Transportation

EOT and other commentors have identified the need for additional traffic-related analysis and mitigation. The Final EIR should include a revised weaving analysis for the I-495 interchange, consider eliminating the Boston site drive right-out movement and include a revised signal warrant analysis as identified by EOT. Adequate mitigation must be identified to address project-related impacts at the I-495 interchange. Also, the proponent must identify improvements at the Minot's Corner intersection (interim and long-term) to address additional delays and queues caused by project-generated traffic. The Final EIR should address the ability to further minimize curb cuts within the development to improve safety and flow on area roadways through coordination with abutters, including the adjacent gas station. The Final EIR should include a revised traffic study that incorporates the additional analysis and evaluates the effectiveness of the proposed mitigation on LOS.

Regarding the TDM Program, the proponent should identify specific recommendations and commitments to support the extension of transit service to the site including bus connections, bus turnouts and improved pedestrian access from adjacent sites. It should continue to explore and report on consultations with the Lowell Regional Transit Authority (LRTA).

The Final EIR should provide a clear commitment to implement and fund mitigation measures and should describe the timing of the implementation based on the phases of the project as well as timing of other major improvements to be conducted by others.

The Final EIR should include conceptual plans for the proposed roadway improvements that should be of sufficient detail (e.g. 80 scale) to verify the feasibility of constructing such improvements. The conceptual plans should clearly show proposed lane widths and offsets, layout lines and jurisdictions, and the land uses (including access drives) adjacent to areas where improvements are proposed. Any mitigation within the state highway layout must conform to the MassHighway Development and Design Guidebook, including but not limited to, provisions for lane, median and shoulder widths and bicycle lanes and sidewalks.

Wetlands/Drainage

The Final EIR should fully address all of the comments on wetland impacts, including potential impacts to the vernal pools. It should clearly describe and quantify impacts to wetland resources and within the buffer zone to BVW. Comments from the Town of Westford note that the wetland resource area boundaries have been revised. The Final EIR should reflect the

revised boundaries. The Final EIR should address the project's consistency with the Wetlands Protection Act and with the Stormwater Management Policy including Standard 4 (80% TSS Removal) and Standard 6 (Protection of Critical Areas). In addition, the Final EIR should provide test pit data from the areas where infiltration of stormwater is planned and the dimensions of the proposed infiltration systems.

As noted previously, the Final EIR should further explore how the amount of impervious surfaces (and associated impacts) can be reduced including further reductions in parking through shared parking or banked parking (that will not be constructed unless warranted by demand) and through incorporation of LID techniques such as naturalized landscaping that incorporates bioswales, bioretention and naturalized detention basins, rain gardens and porous pavers. The proponent should consider how elements of the Reduced Build Retail Alternative can be incorporated into the Preferred Alternative (e.g. increase in open space and retention of undeveloped corridors between wetland resource areas). Although the Draft EIR indicates that the parking supply is 10% lower than that required by zoning, it does not identify the parking ratio or indicate how it was developed. This information should be provided in the Final EIR.

Wastewater

As noted previously, the project requires a Groundwater Discharge Permit from MassDEP. The Draft EIR indicates that site investigation is ongoing. The geotechnical report should be included in the Final EIR to ensure that consistency with regulatory standards can be addressed during MEPA review. The proponent should consult with MassDEP regarding the scope for this report prior to filing the Final EIR and the Final EIR should address the issues identified in the MassDEP comment letter. The Final EIR should provide a more detailed overview of the proposed wastewater system and its components and identify compliance of the proposed system with MassDEP's January 3, 2000 *Interim Guidelines on Reclaimed Water (Revised)*.

Construction Period Impacts

I encourage the proponent to work with MassDEP to define the implement construction-period diesel emission mitigation, which could include the addition of after-engine emission controls such as oxidation catalysts or particulate filters. The Final EIR should describe the measures that will be implemented and include a commitment to use of EPA verified control equipment. Also, it should address construction-related noise impacts identified in the Town of Westford comment letter.

Mitigation

The Final EIR should include an updated and revised section on mitigation measures, including revised Section 61 Findings for state agency use.

Comments

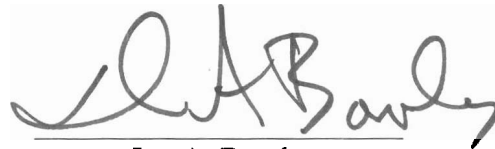
The EIR should contain a copy of this Certificate and a copy of each comment received. The Final EIR should respond to the comments received, to the extent that the comments are within MEPA subject matter jurisdiction. I defer to the proponent as it develops the format for this section, but the Response to Comments section should provide clear answers to questions raised. The Final EIR should present additional narrative and/or technical analysis as necessary to respond to the concerns raised.

Circulation

The Final EIR 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 each state and local agency from which the proponent will seek permits or approvals. A copy of the Final EIR should be made available for public review at the Westford Public Library.

June 29, 2007

Date



Ian A. Bowles

Comments received:

6/22/07	MassDEP/Northeast Regional Office (NERO)
6/22/07	Executive Office of Transportation (EOT)
6/20/07	Northern Middlesex Council of Governments (NMCOG)
6/22/07	Town of Westford/Office of the Town Manager

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