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August 24, 2007

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

PROJECT NAME : North Attleborough Marketplace/Square
PROJECT MUNICIPALITY : North Attleborough
PROJECT WATERSHED : Ten Mile River
EEA NUMBER : 8173
PROJECT PROPONENT : Carpionato Properties
DATE NOTICED IN MONITOR : July 11, 2007

Pursuant to the Massachusetts Environmental Policy Act (G.L. c. 30, ss. 61-62H) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) submitted on this project and hereby determine that it **does not require** the preparation of a Supplemental Environmental Impact Report (EIR).

A Certificate on the Supplemental Final EIR (FEIR) was issued on December 15, 1994 with a determination that the Supplemental FEIR adequately and properly complied with MEPA. The project reviewed at that time consisted of a two-phased development: Phase I consisted of a 140,000 square foot Wal-Mart and Phase II consisted of 240,000 sf of retail space and a 4,000-seat cinema. The project has undergone MEPA review several times including a second Supplemental EIR focusing on the Phase II component (Certificate issued August 16, 1995) and several Notices of Project Change (NPCs). One of the project changes involved the substitution of the cinema with a Lowe's Home Improvement Store. Other NPCs addressed changes in the size of the proposed Phase II retail component, which totaled approximately 187,600 square feet as proposed in the August 2006 NPC (Secretary's Certificate on the NPC issued September 7, 2006)

As described in the most recent NPC, the proposed change involves an increase in the size of the Wal-Mart facility, from 120,000 sf to approximately 186,348 sf. The proposed Wal-



Mart expansion is expected to generate an additional 1,800 trips per day for a total of 20,304 vehicle trips on an average weekday. According to the NPC, the proposed project change will not result in any additional wetland resource impacts. Some work is proposed in the buffer zone.

As described in the Supplemental EIR for Phase I, and in a revised site plan provided by the proponent during MEPA review, the project site (Phase I and II) is 91 acres (not 64.35 as indicated in the NPC). A portion of the proposed Wal-Mart expansion will be built on existing parking lots. Currently undeveloped areas will be altered to create new parking lots and driveways. A 6.09-acre portion of the project site has been rezoned from residential to commercial use to accommodate the proposed expansion. The proposed project change will result in an additional 5.4 acres of land alteration, including 4.2 acres of impervious area.

The project requires a revised State Highway Access Permit from the Massachusetts Highway Department (MHD) for access to Route 1. The project requires an Order of Conditions from the Town of North Attleborough (and, on appeal only, a Superseding Order from MassDEP). The project also requires a National Pollutant Discharge Elimination System (NPDES) Stormwater Permit for Construction Activities from the United States Environmental Protection Agency (EPA).

The proposed project change will not receive financial assistance from the Commonwealth. Therefore, MEPA jurisdiction extends to all aspects of the project, within the subject matter of permits required, that have the potential to cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to transportation, wetlands, land alteration, and stormwater.

As noted by the Executive Office of Transportation (EOT) in its comment letter, the existing infrastructure can accommodate the proposed project and outstanding issues related to signal review and timing can be adequately addressed prior to the issuance of MHD's amended Section 61 Findings for the project. The proponent should review the existing traffic signals that are part of the coordinated system along the Route 1 corridor, make adjustments as needed to the timing and sequence, and provide new signal layouts if necessary. The proponent may be required to replace outdated signals to bring them up to current standards. The proponent should consult with MHD regarding signal review and modifications.

The Massachusetts Historical Commission requested additional information from the proponent, which was provided during an extended public comment period. As further detailed in MHC's second comment letter (dated August 3, 2007), no further MHC review is required for the project. The proposed Wal-Mart expansion impact area has been sufficiently tested and no additional archaeological survey is required.

As further detailed in its comment letter, the Greater Attleboro Taunton Regional Transit Authority (GATRA) has requested that the proponent establish a designated bus stop at the Wal-Mart location for the existing bus service which operates in the vicinity of the project site. I strongly encourage the proponent to coordinate with GATRA on this issue and to incorporate GATRA recommendations to enhance access by public transit.

MassDEP has noted in its comment letter that two former disposal sites are located in the vicinity of the proposed project. I refer the proponent to MassDEP comments regarding notification requirements and other procedures to be implemented if oil and/or hazardous material is identified during project implementation .

The proposed Wal-Mart expansion includes activities within a wetland resource buffer zone. The proponent should ensure that the stormwater management system complies with the MassDEP Stormwater Policy standards and that effective measures are in place during construction to avoid and minimize potential impacts to wetland resource areas.

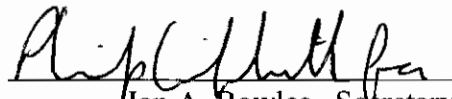
I strongly encourage the proponent to incorporate high performance/green building and other sustainable design measures as part of the project. Sustainable design can provide environmental and economic benefits for the proponent and future building owners and occupants. The basic elements of a sustainable design program may include, but not be limited to, the following measures:

- Leadership in Energy and Environmental Design (LEED) certification for new construction;
- 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);
- 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 am satisfied that any outstanding issues can be resolved during the state and local permit and review processes, and that the project change, as proposed in the NPC, does not warrant further MEPA review. I ask that MHD forward a copy of the revised Section 61 Findings to the MEPA Office for the project record.

August 24, 2007

DATE



Ian A. Bowles, Secretary

Comments received:

7/02/07 Massachusetts Historical Commission
7/18/07 Greater Attleboro-Taunton Regional Transit Authority (GATRA)
7/31/07 Executive Office of Transportation, Office of Transportation Planning
7/31/07 Massachusetts Department of Environmental Protection
8/06/07 Massachusetts Historical Commission (second letter)

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