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August 29, 2008

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS  
ON THE  
SUPPLEMENTAL FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME: Fall River Executive Park  
PROJECT MUNICIPALITY: Fall River and Freetown  
PROJECT WATERSHED: Taunton  
EEA NUMBER: 12902A  
PROJECT PROPONENT: Fall River Redevelopment Authority  
DATE NOTICED IN MONITOR: July 23, 2008

As Secretary of Energy and Environmental Affairs, I hereby determine that the Supplemental Final Environmental Impact Report (SFEIR) submitted on the above project **adequately and properly** complies with the Massachusetts Environmental Policy Act (MEPA, M.G.L. c. 30, ss. 61-62I) and with its implementing regulations (301 CMR 11.00).

Project Description

The SFEIR has been submitted for the Fall River Executive Park (FREP). The FREP and a proposed new interchange on Route 24 are interrelated projects that involve several components, including the conveyance of 300 acres of land owned by the Department of Conservation and Recreation (DCR) and currently part of the Freetown-Fall River State Forest to the City of Fall River for the development of up to 3 million square feet (sf) of office/industrial space for the FREP. The proposed transfer is one of the largest contemplated dispositions of DCR forest and park land in the agency's history. In return, the City of Fall River will convey a Conservation Restriction (CR) on approximately 4,300 acres of City-owned water supply lands to DCR and the Department of Fish and Game (DFG). The CR will provide permanent protection to a large parcel, which when taken together with already protected adjacent parcels will create a contiguous 14,000-acre area of protected open space known as the Southeastern Massachusetts Bioreserve. The City will also provide \$2.45 million to the Trustees of the

Reservations (TTOR) to aid in additional open space acquisition. The project design is governed by the requirements of Chapter 266 of the Acts of 2002 and a June 29, 2002 Memorandum of Understanding (MOU) among the Executive Office of Energy and Environmental Affairs (EEA), DFG, DCR, the City of Fall River, the Fall River Redevelopment Authority (FRRA) and the TTOR.

The SFEIR presents a conceptual Master Plan for the FREP that designates a corporate campus comprised of 1.5 million square feet of office space in 11 three- and four-story buildings, and capacity for another 1.5 million square feet of office space within another 11 buildings at a lesser height. The proposed development will include interior access roadways, parking, stormwater management facilities, landscaped areas and infrastructure to support the office uses. The total land area required for the construction of the FREP is estimated to be 198.6 acres. The project is anticipated to result in the creation of 121.4 acres of new impervious surface (31.0 acres of building rooftops and structured parking areas and 90.4 acres of pavement).

Included in the 300 acres is a 51.8 +/- acre parcel which will be placed under a second CR and will provide a buffer between the development and the state forest. The purpose of the buffer is to protect Rattlesnake Brook and its surrounding watershed, as well as to provide additional separation between the FREP and the Southeastern Bioreserve. All criteria and requirements included within the CR have been negotiated in direct consultation with DCR and DFG. The full text of the CR is included as an attachment to the SFEIR.

To provide transportation access for the FREP and other development in the area, the Massachusetts Highway Department (MassHighway) proposes a new interchange on Route 24 between the existing interchanges 8 and 9, referred to as Exit 8 ½. Development of the new interchange and access roadways will primarily occur on 35 acres of land in private ownership and approximately 7 acres of State Forest land. The State Forest land required for the interchange is part of the 300-acre land swap. MassHighway also proposes the construction of a new public roadway through the FREP, to be known as Executive Park Drive; a connecting access road between the new interchange and Executive Park Drive; and a new loop road from the proposed interchange west to South Main Street in Freetown.

### MEPA History

The FREP and the Route 24 Access Improvements project were previously reviewed by MEPA under one file number, EEA #12902. All previous MEPA submissions were jointly submitted by the FRRA and MassHighway. An Environmental Notification Form (ENF) was submitted for the joint projects in 2002, in response to which the Secretary issued a Scope for the EIR and created a Special Review Procedure (SRP). The SRP was established in accordance with Section 11.09 of the MEPA regulations to allow for the transfer of the 300-acre State Forest parcel from DCR to the City prior to completion of the EIR process for the project as a whole. As of today's date, the land transfer has not been completed.

A Draft EIR submitted for the project in May 2005 was determined to be inadequate. A Supplemental Draft EIR (SDEIR) was submitted for review in June of 2007. In the SDEIR, the FRRA and MassHighway requested that I allow the two elements of the project – the FREP and

the new interchange proposed as part of the Route 24 Access Improvements project – to be considered as two separate projects for the remainder of MEPA review. In an August 1, 2007 Certificate, I amended the December 16, 2002 SRP such that the FRRRA is now designated the Proponent for the FREP and MassHighway is the Proponent for the Route 24 interchange project. The Fall River Executive Park is now referred to as EEA# 12902A, and the Route 24 Access Improvements Project is now EEA #12902B. The SDEIR was adequate for the purpose of MEPA review and on August 1, 2007 I issued two Certificates outlining the Scopes for two FEIRs; one for the FREP and one for the interchange. The FEIR for the FREP was submitted in January 2008; in a February 15, 2008 Certificate, I determined that it did not adequately and properly comply with MEPA. The SFEIR currently under review has been prepared by the City of Fall River in response to the Certificate on the FEIR. The FEIR for the interchange project has not yet been submitted for review.

The Certificate on the FEIR noted that the Proponent has provided a considerable amount of information about the project to date, including details about project impacts related to water supply, wastewater, air quality, construction period impacts, wetlands, and stormwater. Accordingly, the Certificate on the FEIR outlined a narrow Scope for the SFEIR, focused only on issues related to traffic mitigation, the buffer zone between the FREP and the state forest, sustainable design and project mitigation commitments.

#### MEPA Jurisdiction/Required Permits

The FREP is undergoing MEPA review and requires the preparation of an EIR pursuant several sections of the MEPA regulations at 301 CMR 11.03. The project meets or exceeds the following mandatory EIR thresholds:

- Land
  - Section 11.03 (1)(a)(1) - Direct alteration of more than 50 acres of land
  - Section 11.03 (1)(a)(2) - Creation of more than 10 acres of new impervious surface
  
- Transportation
  - Section 11.03 (6)(a)(2) - Generation of more than 3,000 new vehicle trips per day from a single location
  - Section 11.03 (6)(a)(7) - Construction of more than 1,000 new parking spaces at a single location

The project also meets or exceeds Environmental Notification Form (ENF) review thresholds related to Article 97 lands, wastewater and possibly archaeological impacts.

The project will require a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the U.S. Environmental Protection Agency (EPA); a Sewer Extension Permit and a Water Supply Distribution Modification permit from the Department of Environmental Protection (MassDEP); an Access Permit from MassHighway; an Article 97 land transfer from the DCR; review from the Massachusetts Historical Commission (MHC); Orders of Conditions from the Freetown and Fall River Conservation Commissions; and several other local permits from the Town of Freetown and the City of Fall River. Because the project involves a

state land transfer, MEPA jurisdiction extends to all aspects of the project that may cause Damage to the Environment as defined in the MEPA regulations.

### Review of the SFEIR

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 regulations. I have fully examined the record before me, including but not limited to the Scope issued on February 15, 2008; the SFEIR filed in response; and the comments entered into the record. I find that the SFEIR is sufficiently responsive to the requirements of the MEPA regulations and the Scope to meet the regulatory standard for adequacy. The Proponent has provided a considerable amount of information in response to the Certificate on the FEIR and in response to comments submitted on the FEIR. The SFEIR resolves issues related to the buffer zone between the FREP and the state forest, mitigation measures for sustainable design and stormwater, the relocation of recreational trails through the FREP parcel, and transportation demand management.

I note continuing concerns expressed in comments on the SFEIR regarding the impact of the FREP project on the watershed of Rattlesnake Brook, which is a coldwater fishery, and the adequacy of the proposed buffer zone between the FREP and the abutting Freetown-Fall River State Forest. I find however that the Proponent has demonstrated in the SFEIR that the project as proposed adequately avoids, minimizes and mitigates potential impacts to the Brook and the state forest. Furthermore, through direct consultation with DCR and DFG, the Proponent has resolved outstanding management and maintenance issues related to the buffer zone, and has committed to additional mitigation measures outlined in revised Section 61 Findings to enhance protection to the Brook and State Forest. I commend the Proponent on the progress that it has made to resolve issues identified in the Certificate on the FEIR, and I am confident that the goals of this important project will now be met.

Remaining issues outlined in this Certificate may be addressed during permitting. I remind the Proponent that while the FREP project has now concluded the MEPA review process independent of the Route 24 Access Improvements project, there still remain several interconnected issues related to project design and impact for the two projects. For example, I note comments regarding the management of stormwater from Executive Park Drive, which will be constructed by MassHighway as part of the Route 24 Interchange project, and concerns that drainage from the roadway will be treated at a lower standard than the rest of the FREP project. The Certificate on the SFEIR for the Route 24 Access Improvements project directs MassHighway to address stormwater management issues for Executive Park Drive. The City and MassHighway must continue to coordinate closely during project planning and construction, and during the implementation and monitoring of mitigation, to ensure that the environmental protection, economic development and transportation improvement goals of both projects are met.

### Status of Land Transfer

The Proponent provided an update on the land transfer in the SFEIR. The following tasks have been accomplished:

- Approval of the first draft of the 4,300 acres Southeastern Massachusetts Bioreserve Conservation Restriction of Fall River watershed land by DFG, DCR, the Fall River Watuppa Water Board and the Fall River City Council;  
Completion of an instrument survey and title examination for the 300 acres to be conveyed as part of the new interchange and the FREP;  
Revision of the Fall River Zoning Ordinance to allow proposed business uses with the FREP;
- Delineation of a buffer zone and the preparation of a draft Conservation Restriction for the buffer zone by the Proponent;
- Receipt of a draft letter from MassDEP approving the latest draft of the Southeastern Massachusetts Bioreserve Conservation Restriction as consistent with MassDEP's guidelines and recommendations;
- Inspector General review of the transaction and comment to the Department of Capital Asset Management (DCAM) and submission by DCAM of the MOU, Inspector General's report and its own report to the House and Senate Ways and Means Committee and to the Joint Committee on State Administration; and,
- Payment of \$2.4 million in escrow to the Trustees of the Reservation.

According to the SFEIR, the following items remain to be completed:

- Draft of a deed by DCAM of the parcels comprising the 300 acres subsequent to completion of the FEIR process;
- Final approval by DFG, DCR, TTOR, the Watuppa Water Board, the Mayor and the City Council of the City of Fall River and the FRRA of the 4,300 acre Southeastern Massachusetts Bioreserve Conservation Restriction, the deed, the buffer zone delineation and buffer zone conservation restriction, and the endorsement of the survey plans by the respective planning boards of the City of Fall River and the Town of Freetown;
- Release of Escrow; and,
- DCR Land Transfer.

A key condition in both the MOU and the Act for the disposition of the 300 acres of DCR land is that the City mitigate impacts on the Freetown-Fall River State Forest associated with the development of the FREP. The Proponent outlined mitigation measures in previous MEPA filings on the project; however the Certificate on the FEIR voiced concern regarding the adequacy, enforceability and permanence of mitigation measures proposed by the Proponent.

The 2002 SRP and subsequent Certificates for the project required the City to provide draft language for insertion into the deed on the 300 acres of DCR land that will secure mitigation commitments at the FREP in perpetuity. The Proponent asserted in the FEIR that including the language in a deed transfer was a requirement of the SRP, which was requested by

the Proponent as a means of obtaining MEPA approval to complete the land transfer prior to the completion of MEPA review for the project. Because MEPA review on the FREP will be completed before the land transfer is executed, the City regards the requirement to include language in the deed as no longer applicable. The Certificate on the FEIR outlined concerns regarding the formal mechanism by which mitigation commitments for the FREP would be legally enforced if the above-mentioned mechanism was no longer relevant. The Certificate directed the Proponent to consult with the relevant agencies to determine the appropriate mechanism that will ensure that the Proponent's and EEA's interests are appropriately addressed and to report on that consultation in the SFEIR.

As outlined in the SFEIR, the Proponent's approach to enforceability is to include the relevant mitigation commitments in a formal process that may be enforced by a relevant third party. The processes which have been identified include updated Section 61 Findings for permits to be issued by MassHighway and MassDEP, a Section 61 Finding for the Article 97 disposition action to be taken by DCR, a set of conditions to be contained in the Notice of Intent filings under the MA Wetlands Protection Act, and the development of covenants that will require that all development at the FREP be Leadership in Energy and Environmental Design (LEED) Certified. Comments from DCR and DFG submitted on the SFEIR indicate support for this approach, and I commend all the Proponent and state agencies for the time and work spent developing a mutually agreeable solution.

#### Buffer Zone

Chapter 266 of the Acts of 2002 required that a buffer of at least 43 acres between the eastern edge of the FREP and the state forest be placed under a CR to be held by a land trust or other organization identified by DCR. The purpose of the buffer zone is to protect Rattlesnake Brook and its surrounding watershed, as well as to provide additional separation between the FREP and the Southeastern Massachusetts Bioreserve. In the DEIR and SDEIR for the project, an 86-acre buffer zone was depicted. The project design presented in the FEIR depicted approximately 52 acres of the site adjacent to the State Forest as a buffer area, and reserved an additional 35 +/- acres for potential future development.

The Certificate on the FEIR directed the Proponent to discuss the development impacts associated with the 35 +/- acres. The Proponent states in the SFEIR that despite the reduction in the buffer zone area, the project build-out remains the same as stated in previous MEPA filings, and there will be no increase in project size from the 3 million sf of development that was originally proposed and therefore there will be no increase in potential environmental impacts associated with the 35 acres. Commenters on the SFEIR have requested that I require the Proponent to file a Notice of Project Change (NPC) should additional development be proposed in the 35-acre area. The MEPA regulations at 301 CMR 11.10 require the submission of a NPC if there is a material change to the project; should changes to development in any portion of the FREP result in an expansion of the project or the generation of additional impacts from what has been reviewed in previous MEPA filings, the Proponent should file a NPC consistent with the requirements of the MEPA regulations to allow for further environmental review.

The 52-acre buffer zone between the FREP and the state forest will be placed into a CR to be held by the TTOR. A draft of the CR is included in the SFEIR. The terms of the CR were negotiated directly with DCR and DFG. The Proponent states in the SFEIR that it will continue to work with DCR to develop a management plan for the buffer zone and to establish or identify an entity that will be responsible for management and maintenance of the buffer zone. In addition, the Proponent has consulted with DCR to develop the following mitigation measures to protect the abutting state forest land:

- Immediately after conveyance of the DCR parcel, the FRRA will convey a CR to the TTOR on the 52-acre buffer zone between the FREP and the state forest.
- Due to the irregular configuration of the buffer zone, the Proponent will undertake the following measures to provide for monitoring and enforcement of the terms of the CR: Prior to construction, the Proponent will post signs every 150 feet along the entire circumference of the buffer area and install monuments at angle points on the buffer area boundary to allow for monitoring and to limit inappropriate uses or activities within the buffer area.
- To ensure the productive use of the forest products on the 300-acre parcel prior to development, the Proponent will allow DCR to administer the initial land clearing on the FREP site for a period not to exceed one year from the date of FRRA notification. The work will be conducted by local harvesters under contract with DCR, and will provide timber products for the local market.
- Development of the FREP will result in the truncation of the Wampanoag Heritage Trail, a long-distance hiking trail. Relocation of the trail within the state forest will necessitate construction of a timber bridge crossing over a wetland area. In consultation with DCR and the TTOR, and prior to the issuance of any occupancy permit for the FREP, the Proponent will provide support in materials and/or labor for construction of the trail and wetland crossing, not to exceed \$5,000.00.
- In consultation with DCR, the Proponent will provide access for emergency and park management vehicles at the northeastern corner of the FREP. A fire hydrant or similar water system access point will be provided at the northeast corner of the FREP.
- DCR has voiced concerns regarding the proximity of the northeast corner of the FREP to the "Ledge" area within the state forest, due to the illegal activities that often occur at the Ledge. The Proponent will develop a strategy to be implemented jointly with DCR to reduce this type of illegal access into the state forest from the FREP site.
- To preserve night sky and mitigate the impacts of ambient light, the Proponent will install hooded exterior light fixtures that direct light to the ground.
- The Proponent will implement protocols to limit migration of invasive plant species from the FREP site to the abutting state forest, and will limit the introduction of pesticides, herbicide and nitrogen to the Rattlesnake Brook watershed.

### Sustainable Design

The Certificate on the FEIR requested clarification on the Proponent's commitment to sustainable design measures for the project. While the Proponent has continually stated that its goal is to create a green and sustainable project, the conceptual nature of the development combined with a lack of knowledge about future tenants and uses has made it challenging for the Proponent to make specific commitments in previous MEPA filings. The Proponent states in the

SFEIR that because the proposed plan for the project is only conceptual at this time, its focus is on ways to incorporate sustainability into site planning and design and infrastructure planning, and that as tenants are found and their site needs are ascertained, sustainable design will also be incorporated into building design, construction and ongoing operations.

As a way to establish a baseline standard for sustainability while preserving flexibility for the future build-out of the project, the Proponent has committed to requiring that all future tenants participate in the LEED program. The Proponent will draft covenants that will run with the property and commit any future developer to meet the requirements for LEED Certification for any building at the FREP. I commend the Proponent for this measure, which will ensure that the project is developed consistent with the stated commitment to the principles of sustainable development.

The Certificate on the FEIR also encouraged the Proponent to commit to a comprehensive stormwater management program as a way to achieve a high level of sustainable design for the project and to ensure a high level of protection for Rattlesnake Brook. As outlined in the SFEIR, the stormwater management system for the FREP will include structural and non-structural best management practices (BMPs) to treat stormwater runoff and achieve a 90 percent removal rate for total suspended solids (TSS). Where possible, infiltration will be maximized with open trenches, subsurface injection, and rain gardens. The proposed 52-acre buffer between the FREP and the state park provides a minimum 1,000 feet of undisturbed land separating Rattlesnake Brook from the closest part of the proposed development. Some portion of the treated stormwater infiltrated on the project site is expected to re-emerge in wetland systems that serve as the headwaters of Rattlesnake Brook, which will serve to support base flow in the Brook. The Proponent concludes that proposed stormwater BMPs, the use of low impact development (LID) techniques, the separating distance between the FREP and Rattlesnake Brook, and signage and monuments to prevent unauthorized use of the land, will serve to adequately protect surface and groundwater resources in the vicinity of the project and in the state forest. As noted in comments from MassDEP, the project will be required to comply with recently revised Stormwater Management Regulations that are now part of the WPA regulations at 310 CMR 10.00.

### Cultural Resources

In response to the Certificate on the FEIR and comments from MHC, the Proponent conducted further investigation relative to the "Mystery Stone" site, which has been recorded in MHC's Inventory of Archaeological Assets of the Commonwealth as Site FRE-HA-1. MHC has requested that the locational information and GPS coordinates for FRE-HA-1 be provided to a qualified archaeological consultant, and that the Proponent prepare a research design and methodology as part of a State Archaeologist's permit application for a site examination archaeological survey. According to the SFEIR, the Proponent has initiated discussions with the Public Archaeology Lab, Inc. (PAL) to complete the archaeological investigations requested by MHC. The SFEIR states that based on the outcome of the PAL investigations and in the event that MHC determines that Site FRE-HA-1 is eligible for listing in the National Register of Historic Places, the Proponent will comply with any recommendations and requirements of



MHC with regard to the site. Given that the design of the FREP remains conceptual, avoidance and preservation of historic resources should be readily achievable.

### Transportation

The FREP project is anticipated to generate 21,185 new average daily trips (atd). A Vehicular Access Permit is required for access to Route 24. In the FEIR, the Proponent provided an updated analysis of traffic impacts in the No-Build, Build and Build with Interchange scenarios. The Certificate on the FEIR requested additional information regarding the following issues:

- Capacity on the Route 24 mainline, interchanges and ramps with the existing two travel lanes in each direction;
- Opportunities for interim mitigation in advance of a possible widening of Route 24; and,
- Additional information to demonstrate that existing infrastructure is capable of accommodating 400,000 sf of development at the FREP, which is the amount of space that can be built prior to the opening of the proposed interchange 8 ½.

The SFEIR provides an updated traffic analysis in response to the above-listed issues. In previous MEPA filings, the Proponent has recommended widening Route 24 to three lanes to expand capacity to address traffic deficiencies from the FREP and other area developments. EOT has stated however that the widening may not be possible as part of the Route 24 Access Improvements project. The Certificate on the FEIR directed the Proponent to evaluate potential interim mitigation for locations that will function at low levels of service (LOS) in advance of a possible widening effort. The Proponent states in the SFEIR however that based on an analysis of regional travel demand in the area, there are no possible improvements to address mainline capacity other than the addition of a travel lane in each direction. The Proponent asserts that the only interim measure available for increasing capacity without widening the roadway is to allow for peak period use of the shoulder lane as a travel lane, which may require widening of the shoulder lane and the provision of emergency turnouts. The Proponent notes that decisions regarding the peak hour use of the breakdown lane would be a policy decision that EOT would make based on projected regional growth and highway capacity. The Proponent's analysis demonstrates that with added capacity on Route 24 through physical widening or peak period use of the shoulder, deficiencies in the Build scenario are expected to be eliminated or improved.

In its comments on the SFEIR, EOT states that it is satisfied with the Proponent's analysis of the project's impact on Route 24 traffic operations and concurs that short-term improvements would not address existing concerns due to their regional nature. The MassHighway interchange project will provide a benefit to the transportation network by changing the overall traffic pattern along Route 24, its interchanges and North Main Street. EOT notes that the traffic redistribution may impact capacity at some project-area intersections; the Proponent should work with MassHighway to provide additional improvements where necessary.

Analyses in previous MEPA filings have concluded that the new interchange would need to be operational to accommodate development in the FREP in excess of 400,000 sf. Access to

and from the project site will occur via Exit 8 and Airport Road before the completion of the new interchange. The Proponent notes discussions in previous MEPA filings of existing congestion and limitations at Exit 8; this is the justification of the need for the new interchange at Exit 8 ½. The Proponent provided an updated analysis in the SFEIR in response to concerns regarding the operation of the Airport Road approach to the North Main Street rotary in the evening peak hour. The updated analysis was used to verify existing demands at Airport Road and the rotary, update the status of the development at Commerce Park, and project traffic to 2013, which is the approximate timeframe needed to construct and occupy the first phase of the FREP. The expanded discussion demonstrates that existing infrastructure in the project area is capable of accommodating 400,000 sf of development at the FREP.

The Proponent also conducted a sensitivity analysis for the following intersections at Exit 8: 1) Industrial Park Road and the Route 24 northbound ramps and 2) Industrial Park Road and Airport Road. The sensitivity analysis was performed to determine whether these intersections would operate at acceptable levels of service if no slip-ramp was provided at the Route 24 northbound off-ramp prior to the construction and operation of 400,000 sf of the FREP. Based on the results of the sensitivity analysis, the Proponent is committed to constructing a slip ramp prior to the occupancy of the FREP. The proposed ramp would remove a significant number of right-turning vehicles from the northbound ramp and from the eastbound approach to the Airport Road intersection. The Proponent is committed to working with MassHighway, EOT and the City of Fall River to address concerns about geometric constraints on the ramp.

#### *Transportation Demand Management*

The Certificate on the FEIR requested that the Proponent identify at what level of development TDM measures would be implemented. In the SFEIR, the Proponent states that the timing of TDM measures is dependent on the nature of each business that will locate within the FREP and the level of traffic potentially generated by each. The Proponent has committed to implementing the following TDM measures with the initial occupancy of the FREP:

- Encourage tenants to designate an on-site employee as a Transportation Coordinator to promote alternative access modes to the site;
- Provide on-site ridesharing services through partnership with MassRides to facilitate the formation of carpools and vanpools;
  - Encourage tenants to provide a guaranteed ride home program;
  - Provide preferential carpool and vanpool parking spaces to encourage ridesharing;
  - Provide covered bicycle racks at or near each building onsite;
- Encourage tenants to provide showers and locker facilities; and,
- Establish an annual traffic-counting program to measure actual trip generation and allow for a comparison with projected trip generation.

The Proponent states in the SFEIR that the measures listed above represent an appropriate program for initial levels of development up to 400,000 sf and that the initial measures will lay the groundwork for a broader TDM program that will be implemented after the interchange is complete and the site is more developed. The following measures will be analyzed

and implemented following the initial 400,000 sf of development and the construction of the interchange:

- Join with other area businesses to form a Transportation Management Association (TMA) to coordinate transportation planning and the implementation of TDM measures;
- Designate a full-time on-site employee as a Transportation Coordinator to work with the TMA to develop, implement and monitor the FREP's TDM measures;  
Provide free parking for Zipcar or another car sharing service;  
Encourage tenants to implement flexible working hours and telecommuting policies;  
Encourage tenants to provide on-site amenities such as food services, ATMs, child care and dry cleaners, to reduce the need for off-site travel by employees during the workday; and,  
Encourage tenants to provide payroll incentives to employees who commute via bicycle or carpool.

The Proponent is targeting a single occupant vehicle (SOV) mode share goal of 85 percent for the FREP, based on a review of 2000 United States Census journey to work data. To assess the effectiveness of the proposed TDM program, the Proponent has committed to a monitoring program to be conducted upon completion of 500,000 sf of development. Similar monitoring efforts will be conducted upon the completion of one-million sf, two-million sf and full build. Following completion of the project, TDM monitoring will be completed annually for the first five years. If the established 85 percent SOV mode share goal is not met, monitoring will take place biannually until the mode share is met or all additional reasonable measures have been taken. The proposed TDM monitoring program will consist of the following:

- Permanent count stations will be installed on either end of the development on Executive Park Drive. The count stations will report annual average daily traffic with hourly distribution by time of day and morning and evening peak hour entering and exiting volumes;
- Employee transportation surveys will be administered to determine the mode share for the development;  
Reports summarizing the collected data and analysis to demonstrate whether the project is meeting its mode share goal will be completed; and,  
In the case that the SOV goal is not met, employee surveys will be used to assess the effectiveness of the alternative TDM measures to reduce SOV trips.

The Proponent states in the SFEIR that it will share the results of the monitoring program with MassHighway and EOT.

#### *Transit Connections*

The Proponent has stated in previous MEPA filings that Southeastern Regional Transit Authority (SRTA) bus stops will be situated at strategic locations within the FREP. The Proponent states in the SFEIR that it will meet with the SRTA regarding the provision of bus service to and potentially through the site during the design of the initial phase of development. The Proponent asserts that it is premature to initiate the discussion of bus service before the type and amount of development at the FREP is more defined.

EOT is currently undertaking a planning effort to evaluate the location of stations for the South Coast Rail project. The Certificate on the FEIR directed the Proponent to consult with EOT regarding the siting of a South Coast Rail station in proximity to the FREP site. The Proponent states in the SFEIR that the South Coast Rail program published a Phase 1 Alternatives Analysis Report in April 2008. The Phase 1 study analyzed 65 alternatives including various mode types along four main corridors. The analysis did not consider station locations, which will be considered in the Phase 2 analysis of the five alternatives selected in Phase 1. The Proponent states that it will consult with EOT during the Phase 2 analysis regarding the FREP project and its potential impact on EOT's consideration of a location for a Freetown commuter rail station.

### Mitigation

The SFEIR included a separate chapter on mitigation that provided a summary of anticipated impacts and proposed mitigation measures for the FREP project. The SFEIR also provided updated draft Section 61 Findings for use by state permitting agencies. The updated Section 61 Finding for use by MassHighway expands the Proponent's commitment to Transportation Demand Management (TDM) measures, and specifies those measures that will be implemented in the first 400,000 sf of FREP development. The updated Section 61 Finding for use by MassDEP and to be included with Notice of Intent filings clarifies the Proponent's commitment to a high level of treatment for stormwater. The Section 61 Finding for use by DCR outlines the Proponent's commitment related to the buffer zone and land transfer. As noted above, the Proponent will also draft covenants that will run with the property and commit any future developer to meet the requirements for LEED Certification for any building at the FREP.

The Section 61 Findings should be updated as necessary to reflect permit conditions once issued. Final Section 61 Findings should affirm that stormwater BMPs will be implemented during the construction phase for the project. The permitting agencies shall forward a copy of their final Section 61 Findings to the MEPA Office for completion of the project file.

### Conclusion

I find the SFEIR to be adequate and am allowing the project to proceed to the state agencies for permitting. The SFEIR contained sufficient information on project alternatives, impacts, and mitigation, and provided the state permitting agencies with sufficient information to understand the environmental consequences of their permit decisions. No further MEPA review on the FREP project is required.

August 29, 2008

Date

  
for Ian A. Bowles

Comments received:

7/31/2008 Massachusetts Historical Commission  
8/20/2008 Executive Office of Transportation  
8/22/2008 Mass Audubon/Taunton River Watershed Alliance, Inc.  
8/22/2008 Green Futures  
8/22/2008 **Department** of Environmental Protection, Southeast Regional Office  
8/22/2008 Department of Fish and Game  
8/22/2008 Department of Conservation and Recreation

IAB/BA/ba