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September 21, 2007

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
2ND NOTICE OF PROJECT CHANGE – PHASE III PATRIOTS PLACE

PROJECT NAME : New Patriots Stadium and Public
Infrastructure Project
PROJECT MUNICIPALITY : Foxborough
PROJECT WATERSHED : Neponset
EOEA NUMBER : 12037
PROJECT PROPONENT : NPS, LLC
DATE NOTICED IN MONITOR : August 22, 2007

Pursuant to the Massachusetts Environmental Policy Act (M.G.L. c.30, ss.61-62H) and Section 11.17 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 an Environmental Impact Report (EIR).

Background

The New Patriots Stadium and Public Infrastructure Project was originally proposed in September 1999 as a phased (Phase I-III) development project consisting of the replacement of the existing 61,000-seat Foxboro Stadium on the 24-acre stadium property located off Route 1 in Foxborough with a new open-air 68,000-seat stadium ('Gillette Stadium') to be located directly adjacent to the existing stadium facility, along with related infrastructure improvements. The project site is located approximately three miles south of I-95 and four miles north of I-495 on several parcels of land totaling 352 acres.

Phase I involved the construction of the replacement stadium, and Phase II involved the construction of additional stadium and infrastructure facilities. Phase III involved the planning and development of a 325-acre Economic Development Area (EDA) surrounding but excluding the 24-acre new stadium site in Foxborough, to include a mixed use commercial development program of retail, office, hotel, restaurant, and theater/cinema space.

Phase I – Replacement Stadium Construction

Phase I included the construction of a 68,000-seat open air stadium (60,000 general seats and 8,000 club seats), with associated plazas and pedestrian spaces, and the demolition of the existing 61,000-seat stadium, the Foxborough Entertainment Complex and the race track facilities on the 24-acre stadium property . The Phase I development program relied upon existing infrastructure systems, including on-site water supply and wastewater treatment facilities, and existing traffic access points to Route 1. The proponent also implemented a new Traffic Management Plan (TMP) to improve traffic flows during Phase I construction activities.

Phase II – Roadway Improvements and Additional Facilities and Infrastructure

Phase II consisted of infrastructure improvements designed to further reduce traffic impacts and improve traffic flows compared with Phase I conditions. Phase II transportation improvements included the addition of approximately 5,000 new parking spaces located throughout the project site. Phase II also involved the construction of a site-wide stormwater management plan, three new practice fields, a practice pavilion, and improvements to existing water supply and wastewater management systems to meet the current and future water supply and wastewater management needs of the Town of Foxborough and the New Patriots Stadium and Public Infrastructure Project. The Scope for the Final EIR was issued in December 1999 and required the proponent to study the full range of cumulative impacts of Phases I and II, and the potential outer envelope of infrastructure impacts for Phase III. The MEPA Office anticipated additional MEPA filings to review the potential localized impacts specifically associated with the proponent's Phase III development plans, and required the proponent to file a Notice of Project Change for Phase III when specific development plans were developed and proposed. The Final Environmental Impact Report (FEIR) for the New Patriots Stadium and Public Infrastructure Project was reviewed by the MEPA Office in July 2000 and found to be adequate (EOEA# 12037).

Phase III Patriots Place - 1st Notice of Project Change

As originally proposed, Phase III involved the planning and development of the 325-acre EDA to include an assumed mixed-use development program of approximately 600,000 square foot (sf) of retail, office, hotel, restaurant, and theater/cinema space. In May 2006, the proponent submitted a Phase III - NPC submittal describing the proposed mixed-use development consisting of approximately 676,400 sf of mixed retail, 3,700 seat restaurant and commercial space, a 160,000 sf sporting goods retail store, a 3,500-seat 16-screen cinema, approximately 105,000 sf of medical office space, 75,000 sf of general office space, and a 200-room hotel.

As noted in previous MEPA Certificates issued for the New Patriots Stadium and Public Infrastructure Project, the potential cumulative infrastructure impacts resulting from the full-build (Phases I-III) project appear to be within the envelope of impacts previously reviewed for the New Patriots Stadium and Public Infrastructure Project in July 2000. Based on information contained in the NPC – Phase III submittal, the infrastructure improvements and mitigation commitments previously developed or proposed by the proponent in Phases I -III, particularly as they may pertain to traffic, water, wastewater, and stormwater, have been designed with sufficient capacity to accommodate the Phase III development program.

Phase III Patriots Place – 2nd Notice of Project Change

As described in this 2nd Notice of Project Change (2nd NPC) for Phase III of the Patriots Place mixed use commercial development project, the proponent has proposed to restore and permanently protect a recently acquired 32-acre parcel of property containing approximately 7.6 acres of cranberry bog, a 10-acre man-made irrigation pond, and 2.4 acres of naturally vegetated wetlands resource area located outside of the 325-acre EDA but abutting the southwestern portion of the project site. The 2nd NPC submittal also includes a proposal to expand an existing gravel parking area (BayState Lot) located in the EDA and within a 63-acre Washington Street (Route 1) parcel to accommodate the proposed relocation of approximately 995 surface parking spaces from within the Patriots Place commercial retail development site due to project design changes resulting from the local project review and permitting process.

Conservation Area

The 2nd NPC submittal contains a conceptual master plan for the proposed 32-acre Conservation Area that includes the deactivation of the cranberry bog and the natural restoration of the surrounding wetland resource area. The proponent has committed to work with the Foxboro Conservation Commission to place a Conservation Restriction (CR) on significant portions of the 32-acre parcel (Conservation Area) to ensure its permanent protection. The proponent's master plan also contains provisions for providing public access amenities within the Conservation Area including an interpretive walking trail with two stream crossings around the pond, boardwalk extension with viewing platform, and a canoe launch. As described in the 2nd NPC submittal, the proponent will dedicate approximately 10-20 surface parking spaces for the Conservation Area to be located immediately adjacent to the head of the proposed walking trail. According to the proponent, construction of the Conservation Area's public access amenities will result in impacts to approximately 1,550 sf of bordering vegetated wetlands (BVW) and Land Under Water wetland resources. According to the comments received from MassDEP, the 2nd NPC submittal does not contain adequate information to determine the extent of potential resource area impacts to result from the construction of the proponent's proposed boardwalk and canoe launch. I note that the construction of the proposed Conservation Area and public access amenities will require Orders of Conditions from the Foxborough Conservation Commission (and hence Superseding Order(s) from MassDEP if any local Orders were appealed).

The Conservation Area project may also require a 401 Water Quality Certification from MassDEP, and a Section 404 Permit from the US Army Corps of Engineers. The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over one acre. The proponent should consult with MassDEP during final design of the Conservation Area. The proponent should submit a copy of the final design plans for the Conservation Area to the MEPA Office for the project file.

Parking Space Reallocation

As described by the proponent, the 63-acre BayState Lot currently accommodates approximately 1,500 vehicles for major events and contains a sidewalk connection to the previously constructed pedestrian amenities and the Zone of Pedestrian Safety reviewed as part of the proponent's NPC 2005 submittal to the MEPA Office. The proposed parking lot expansion will involve re-grading with pervious gravel material, new landscaping, a new stormwater management system, and additional pedestrian safety measures. The proponent has proposed to maintain a wooded landscaped buffer along the northern, western and southern perimeters of expanded BayState parking area. The BayState parking lot will continue to be accessed from Route 1.

According to the comments received from the Massachusetts Highway Department (MHD), the proposed re-location of 995 parking spaces across Washington Street (Route 1) to the BayState Lot will impact the arrival and departure patterns and traffic operations along this portion of the Route 1 corridor. The combination of major event parking together with the parking demand related to the proposed commercial retail development may require additional traffic mitigation at the Route 1/P11 intersection and the Route 1/Thurston Street intersection. MHD has requested that the proponent commit to conducting a comprehensive traffic monitoring study to identify the potential traffic impacts associated with the proposed BayState parking lot expansion at the full-build occupancy of the Patriots Place project. The proponent should also commit to any additional roadway infrastructure improvements for the Route 1/P11 and the Route 1/Thurston Street intersections if MHD deems necessary. MHD has also requested that the proponent continue to identify opportunities to expand the proponent's TDM and to identify opportunities to incorporate all modes of public transportation in the TDM for the Patriots Place project. The TDM plan should include a commitment for any monitoring necessary to ensure the success of the program. The Section 61 Findings should demonstrate the proponent's commitment to implement, monitor, and continuously fund the proposed TDM plan.

The proponent should continue to work closely with MHD and the District 5 Office to design and conduct a comprehensive traffic monitoring study associated with the proposed BayState parking lot expansion, identify the need for any additional roadway infrastructure improvements, and identify opportunities to incorporate public transportation alternatives in the TDM for the Patriots Place project. I ask that the project proponent modify the proponent's proposed Transportation Management Plan (TMP), previously prepared for the proposed New Patriots Stadium and Public Infrastructure Project, to accommodate the proposed expansion of the BayState parking lot during pre-event and post-event activities and during Phase III construction activities.

According to the proponent, the stormwater management system proposed for the BayState Lot expansion has been designed in accordance with MassDEP's Stormwater Management Guidelines to remove the minimum of 80% of the total suspended solids (TSS), and will incorporate the use of grass stormwater swales and deep sump catch basins connected via a subsurface collection system to convey stormwater to eight detention basins and one infiltration basin located throughout the parking lot expansion project site. I note that the proposed infiltration basin 'A-2' will be located off-site within the 67 Washington Street Parking Lot expansion area and immediately adjacent to this NPC project site's northeastern boundary. In their comments MassDEP has indicated that a portion of the BayState parking lot expansion site may be located with a Zone II for a public drinking water supply. The proponent should consult with MassDEP to determine the applicability of MassDEP's Stormwater Management Policy to the proposed construction of the BayState Lot expansion.

I strongly encourage the proponent to continue to evaluate opportunities for incorporating sustainable design alternatives including Low Impact Development (LID) techniques in the BayState parking lot expansion 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. 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/>.

Construction Period Impacts

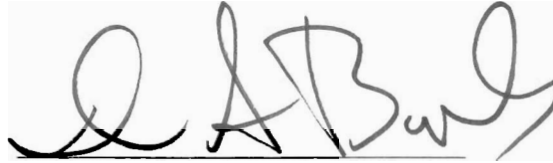
The proponent should employ measure to minimize to the maximum extent practicable, construction period impacts, including: impacts from earth moving/blasting, impacts to vegetation, potential impacts from erosion and sedimentation, traffic impacts on adjacent roadways, and impacts to adjacent land uses. The proponent should also require its contractors to retrofit diesel-powered equipment with emissions controls, such as particulate filters or traps, and use low-sulfur diesel fuel. The proponent should also commit to specific TDM measures that can be implemented during construction.

Mitigation

The proponent should forward to the MEPA Office for the project file an updated summary of all mitigation to which the proponent has committed, and/or completed for the full-build New Patriots Stadium and Public Infrastructure Project, and an updated and revised draft Section 61 Findings for DEP and MHD permits. The Section 61 Findings for MHD should be in the form of a draft Letter of Commitment.

Based on a review of the NPC submittal, additional information provided by the proponent to the MEPA Office, a review of comments submitted on the project, and consultation with public agencies, I find that the proponent has provided a reasonably complete description and analysis of the project and its potential impacts, has adequately addressed the issues within MEPA jurisdiction, and has committed to measures that will avoid, minimize and mitigate adverse impacts.

September 21, 2007
DATE



Ian A. Bowles, Secretary

Comments received:

09/05/07	Water Supply Citizens Advisory Committee
09/10/07	Neponset River Watershed Association
09/11/07	Greg McNeil
09/11/07	Department of Environmental Protection (DEP) – SERO
09/11/07	Massachusetts Highway Department (MHD)

#12037-- Phase III, 2nd NPC Patriot Place
IAB/NCZ/ncz