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CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
EXPANDED ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Proposed Retail Development
PROJECT MUNICIPALITY : 256 Washington Street (Route 85) – Hudson
PROJECT WATERSHED : Sudbury-Assabet-Concord Rivers
EOEA NUMBER : 14086
PROJECT PROPONENT : The Richmond Company
DATE NOTICED IN MONITOR : August 22, 2007

Pursuant to the Massachusetts Environmental Policy Act (G. L., c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **requires** the preparation of a Single Environmental Impact Report (EIR). The proponent has submitted an Expanded Environmental Notification Form (EENF) and requested a Phase I Waiver. The Phase I Waiver would allow the proponent to complete Phase I prior to the submission of the Single EIR. By a separate Draft Record of Decision (DROD) issued today, I propose to grant the Phase I Waiver. The proponent is responsible for submitting the Single EIR for the three parcels presented in the Expanded Environmental Notification Form (ENF).

Project Description

According to the Expanded ENF, the project consists of the construction of a three lot retail/commercial development containing approximately 17,200 square feet (sf). The project includes approximately 103 parking spaces. The 9.8-acre site presently contains a residence and a barn. The existing structures will be demolished. The proponent is proposing to construct the project in two phases. Phase I includes the construction of a 15,300 sf Walgreens Pharmacy and a 1,750sf/30-seat Starbucks Coffee facility. Phase II includes the construction of a 16 vehicle fueling position gas station and an approximately 164 sf convenience mart.

This project is subject to a mandatory EIR pursuant to Section 11.03(6) (a) (6) because it generates 3,000 or more new vehicle trips. The project will need to obtain a Permit for changes to the Route 85/Technology Drive intersection from the Massachusetts Highway Department

(MassHighway). The project must comply with the U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges. It may need to obtain Orders of Conditions from the Hudson Conservation Commission for impacting a buffer zone. MEPA jurisdiction is limited to those aspects of the project within the subject matter of state permits and that may have significant environmental impacts (traffic, wetlands and drainage).

The proponent is proposing a right-in/right-out access driveway onto Route 85 and a full-access driveway onto Technology Drive. Using the Institute of Traffic Engineers (ITE) Handbook and land use codes 881 (Pharmacy with a drive through), 934 (Fast food restaurant with a drive through), and 945 (Gas station with convenience market), the proponent estimates that the project will generate approximately 4,820 new vehicle trips on weekdays. The proponent is proposing to provide approximately 103 new parking spaces.

The project will be supplied with potable water by the local municipal water system. Each lot will have its own Title 5 wastewater system. The proponent has estimated that the project will consume about 2,435 gallons per day (gpd) of potable water. The project will generate approximately 2,214 gpd of new wastewater flow.

Single EIR/Waiver Request

In accordance with Section 11.05(7) of the MEPA regulations, the proponent has submitted an Expanded ENF with a request that I allow the proponent to fulfill its EIR obligations under MEPA with a Single EIR, rather than require the usual two-step Draft and Final EIR process. The Expanded ENF received an extended public comment period pursuant to Section 11.06(1) of the MEPA regulations. I have reviewed the proponent's request for a Single EIR in accordance with Section 11.06(8) of the MEPA regulations, and I find that the Expanded ENF described and analyzed all aspects of the project; provided a detailed baseline in relation to which potential environmental impacts and mitigation measures can be assessed; and demonstrated that the planning and design of the project use all feasible means to avoid potential environmental impacts. The Expanded ENF contained a traffic impact and access study. Therefore, I will allow the proponent to prepare a Single EIR in fulfillment of the requirements of Section 11.03 of the MEPA regulations. In addition, the proponent has also requested a Phase I Waiver. This Phase I Waiver request is being considered, and the MEPA Office will notice a DROD on the same date as this Certificate.

SCOPE

As modified by this scope, the EIR should conform to Section 11.07 of the MEPA regulations for outline and content. The EIR should resolve the remaining issues outlined below. It should address the comments listed at the end of this Certificate to the extent that they are within this scope, and it should include a copy of this Certificate and all comment letters.

Project Description

The EIR should provide a detailed project description with a summary/history of the project. It should include existing and proposed site plans. The EIR should identify and describe the proposed project phasing. It should describe the proponent's Preferred Alternative. The EIR should discuss how this project is compatible with Executive Order 385, the Metropolitan Area Planning Council's (MAPC) MetroPlan, and Hudson's Master Plan, Open Space Plan, and Zoning.

Alternatives Analysis

The EIR should summarize and compare the Preferred Alternative and the No-Build Alternative. It should discuss alternative building configurations that might result in fewer impacts, such as reducing the amount of impervious area. The EIR should summarize the alternatives already developed for the project site, such as 3,500 sf bank with drive through alternative. It should provide a comparative analysis that clearly shows the differences between the environmental impacts associated with each of the alternatives for each of the areas listed within this scope.

Traffic

The EIR should be prepared in conformance with the EOEA/EOTC Guidelines for EIR/EIS Traffic Impact Assessment. It should identify appropriate mitigation measures for areas where the project will produce impacts on local and regional traffic operations, especially where delay increases at intersections.

The Expanded ENF completed a Level-of-Service (LOS) analysis for the following intersections during the weekday morning and evening peak hours and Saturday midday peak hour:

Washington Street (Route 85)/Technology Drive;
Proposed Driveway/Washington Street; and
Proposed Driveway/Technology Drive/Stop & Shop Plaza Driveway.

The EIR should summarize this LOS analysis. It should include a map of the traffic study area.

The EIR's LOS tables should include each movement for these above intersections. The Volume/Capacity ratio should also be provided for any proposed signalized intersections. The EIR should include a summary of average and 95th percentile vehicle queues for each intersection within the study area.

In the EIR, traffic accident problem areas should be identified, and solutions should be proposed.

The EIR should discuss the proponent's coordination efforts with MassHighway and the Town of Hudson as they address regional and local traffic concerns within this area. It should provide the most current information on the proposed construction dates for any roadway improvements in the area.

The EIR should provide a traffic signal warrant analysis for any unsignalized intersections in the study area operating at LOS F. It should discuss the suitability of proposed signalization improvements, visibility enhancements, and any roadway widening. The EIR should discuss the right-of-way (ROW) implications of possible widening and describe how such right-of-ways (ROW) would be acquired.

Parking

The EIR should describe how the number of parking spaces was determined. It should identify the number of parking spaces required by local zoning for the land uses proposed on the project site.

Pedestrian and Bicycle Facilities

The EIR should show where sidewalks currently exist in a map of the area and where the proponent proposes sidewalks. It should identify how these sidewalks would connect to other sidewalks and proposed crosswalks.

The EIR should identify the proposed bicycle facility improvements included with this project. It should state the number of bicycle parking spaces and show their locations.

Transportation Demand Management

The EIR should outline the proponent's Transportation Demand Management (TDM) Program that would be included in any sale or lease arrangements with prospective tenants. The TDM measures that I recommend for the proponent's consideration include: an on-site transportation coordinator; a ridesharing program; a guaranteed ride home for employees who rideshare; offering flextime to employees and direct deposit; and coordinating its TDM services with other nearby employers. The proponent should investigate initiating a Route 85 Transportation Management Agency (TMA) or joining other efforts to establish one in this area.

Public Transportation

The EIR should include a map of the area displaying public transportation bus routes in the project area that provide access to Hudson residents.

Wetlands

All resource area boundaries, riverfront areas, applicable buffer zones, and 100-year flood elevations should be clearly delineated on a plan. Bordering Vegetated Wetlands that have been delineated in the field should be surveyed, mapped, and located on the plans. Each wetland resource area and riverfront area should be characterized according to 310 CMR 10.00. The text should explain whether the local conservation commission has accepted the resource area boundaries, and any disputed boundary should be identified. The EIR should describe any outstanding issue with the Hudson Conservation Commission (HCC). It should identify the proponent's efforts to obtain an Order of Conditions from the HCC.

The EIR should address the significance of the wetland resources on site, including public and private water supply; riverfront areas; flood control; storm damage prevention; fisheries; shellfish; and wildlife habitat. It should identify the location of nearby public water supplies and wells.

Drainage

The EIR should include a detailed description of the proposed drainage system design, including a discussion of the alternatives considered along with their impacts. It should provide pre- and post-drainage calculations. The proponent should recharge roof runoff and other treated stormwater runoff from parking areas and driveways in order to retain as much as possible of the existing groundwater flows and drainage patterns. If the proponent ties into the existing roadway drainage system, the EIR should clarify the permits required and if there will be a recharge deficit on-site. The EIR should indicate and discuss where the roadway drainage system discharges in this area.

Proposed activities, including construction mitigation, erosion and sedimentation control, phased construction, and drainage discharges or overland flow into wetland areas, should be evaluated. The locations of detention/infiltration basins and their distances from wetland resource areas, and the expected water quality of the effluent from said basins should be identified. This analysis should address current and expected post-construction water quality (including winter deicing and sanding analyses) of the predicted final receiving water bodies. Sufficient mitigation measures should be incorporated to ensure that no downstream impacts would occur. The drainage analysis should ensure that on- and off-site wetlands are not impacted by changes in stormwater runoff patterns.

The EIR should discuss the consistency of the project with the provisions of the National Pollutant Discharge Elimination System (NPDES) General Permit from the U.S. Environmental Protection Agency for stormwater discharges from construction sites. The EIR should include a discussion of best management practices employed to meet the NPDES requirements, and should include a draft Pollution Prevention Plan. It should identify how this project will comply with the



NPDES Phase II Stormwater General Permit, which Hudson is required to prepare and implement.

The EIR should describe the maintenance program for the drainage system, which will be needed to ensure its effectiveness. This maintenance program should outline the actual maintenance operations, responsible parties, and back-up systems. The EIR should address reducing the amount of impervious area proposed on the project site by alternative layout and reduced pavement areas.

Drinking Water

The EIR should identify if the municipal water system has sufficient capacity in this area of Hudson to supply this project with potable water. It should identify any upgrades required to the water system to supply this project with water.

Hazardous Waste

The EIR should present a summary of the results of hazardous waste studies and remediation efforts undertaken at the site by the proponent to comply with the Massachusetts Contingency Plan, 310 CMR 40.0000.

Visual/Aesthetics

The EIR should discuss the aesthetics of the project, and should include a conceptual-level landscaping plan and building elevations from all sides.

Construction

The EIR should present a discussion on potential construction period impacts (including but not limited to noise, dust, wetlands, and traffic maintenance) and analyze feasible measures that can avoid or eliminate these impacts. It should identify the amount of blasting required to develop the site. The EIR should discuss the state and local permitting process for blasting.

Sustainable Design

This project presents a good opportunity to successfully incorporate cost-effective sustainable design elements and construction practices into the project. These elements can minimize environmental impacts and reduce operating costs. The EIR should identify the proponents' efforts to ensure that this project includes Leadership in Energy and Environmental Design (LEED) Certified buildings or the equivalent. I strongly encourage the proponent to consider incorporating elements, such as those noted below, into its project design, construction and management:

- water conservation and reuse of wastewater and stormwater;
- renewable energy technologies to meet energy needs;
- optimization of natural day lighting, passive solar gain, and natural cooling;
- energy efficient HVAC and lighting systems, appliances and other equipment, and solar preheating of air;
- building supplies and materials that are non-toxic, made from recycled materials, and made with low embodied energy;
- easily accessible and user-friendly recycling system infrastructure incorporated into the building design;
- development of a solid waste reduction plan;
- development of an annual audit program for energy consumption, waste streams, and use of renewable resources;
- Low Impact Development (LID) principles that reduce stormwater, potable water, wastewater, and wetland impacts and that provide water conservation and the reuse of wastewater and stormwater; and
- LEED certification.

Mitigation

The EIR should include a separate chapter on mitigation measures. This chapter on mitigation should include Proposed Section 61 Findings for MassHighway. The Proposed Section 61 Findings should contain a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation and the identification of the parties responsible for implementing the mitigation. A schedule for the implementation of mitigation should also be included. The EIR should identify the mitigation components for each project phase.

The proponent has redesigned the project site to accommodate the Town of Hudson's Master Plan for the Route 85 corridor. During the review of the Expanded ENF, the proponent has committed to the following mitigation measures in support of its request for a Phase I Waiver:

- Implement Route 85 access improvements that are listed above;
- Construct a new five-foot wide sidewalk along the Route 85 and Technology Drive frontages (approximately \$40,000);
- Donate to MassHighway and the Town of Hudson a fifteen-foot wide strip of land (approximately 12,334 sf) along the site frontage on Route 85 to accommodate the future corridor widening;
- Complete final design of the Technology Drive improvements for the access driveway and roadway widening;
- Construct roadway widening to accommodate bicycles within the shoulder areas; and
- Provide a bicycle rack at the proposed development;

The EIR should develop transportation and parking demand management measures to

reduce single passenger automobile trips to the project and encourage ridesharing to the site through the use of preferential parking. It should include plans showing the configuration of each roadway intersection proposed for modification. The proponent should consider participating in proposals by the Town of Hudson and MassHighway to provide additional traffic mitigation measures to reduce the impacts on estimated delay at adjacent intersections.

Response to Comments

The EIR should respond to the comments received to the extent that comments are within the subject matter of this scope. Each comment letter should be reprinted in the EIR. I defer to the proponent as it develops the format for this section, but the Response to Comments section should provide clear answers to the questions/issues raised.

Circulation

The 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 Hudson officials. A copy of the EIR should be made available for public review at the Hudson Public Library.

September 28, 2007

DATE



Ian A. Bowles

Comments received:

MassDEP/CERO, 8/23/07

MDM Transportation Consultants, 9/11/07

EOT, 9/13/07

Hudson Planning Department, 9/18/07

MAGIC, 9/21/07

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