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October 18, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Lowe's of Hadley
PROJECT MUNICIPALITY : Hadley
PROJECT WATERSHED : Connecticut River
EOEA NUMBER : 13539
PROJECT PROPONENT : Paradigm Development
DATE NOTICED IN MONITOR : September 11, 2006

As the Secretary of Environmental Affairs, I hereby determine that the Final Environmental Impact Report (EIR) submitted on this project **does not adequately and properly comply** with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00). While the Final EIR has largely resolved the traffic issues, as described below and as detailed in the Massachusetts Highway Department's (MassHighway) comment letter, a number of issues related to wetlands and impacts on nearby properties have not been adequately resolved. Therefore, I cannot find that the Final EIR meets the standards in Section 11.07 (4) of the MEPA regulations to "present a complete and definitive description and analysis of the project and its alternatives, and assessment of its potential environmental impacts and mitigation measures." I am requiring the preparation of a Supplemental Final EIR to provide additional information on project impacts and mitigation, mostly related to wetland issues and several remaining traffic issues, prior to allowing the project to proceed to the state permitting process.

Project Description and MEPA Jurisdiction

As described in the Final EIR, the project involves development of approximately 169,166 square foot(sf) home improvement warehouse (an increase from the 138,431 sf

proposed in the Environmental Notification Form (ENF)) and a 6,000 square foot out parcel, which could consist of either a bank or restaurant. The project will include the construction of 907 parking spaces of which 223 will be in held in reserve to be constructed at a later date if deemed necessary. This is an increase from the originally proposed 898 parking spaces of which 177 were to be held in reserve. The site is located on the north side of Route 9 (Russell Street), west of Bison Farm and east of a miniature golf facility and residential homes in the eastern portion of Hadley. Based on ITE Land Use Code (LUC) 862 and LUC 932 (High Turnover Restaurant), the project is expected to generate an additional 5,400 new vehicle trips on an average weekday and an additional 8,676 new vehicle trips on an average Saturday. The project site was formerly part of an adjacent Bison Farm, which abuts the property west and north. A miniature golf/driving range facility and residential homes border it to the east. It has an open grassy meadow and perimeter wetland areas. Wetland replication is proposed to mitigate loss of wetland areas as required for widening improvements to Route 9 as well as the improvement of an existing access road and wetland crossing on the adjacent property.

Increased storm water runoff rates and volumes will be controlled through the proposed storm water management facilities, including subsurface detention, and will approximate the pre-construction rates. Construction term sediment and erosion control measures will be implemented in accordance with a Storm Water Pollution Prevention Plan to manage stormwater runoff and minimize erosion during construction.

This project is subject to a mandatory EIR pursuant to Sections 11.03(1)(a)(2), and (6)(a)(6) and of the MEPA regulations. It creates 10 or more acres of impervious area and generates 3,000 or more new vehicle trips. A Massachusetts Highway Department (MHD) access permit will be required for access to Route 9. The project will require a Section 401 Water Quality Certificate from the Department of Environmental Protection (DEP). It must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over five acres. The project may also need a Section 404 Programmatic General Permit (Category II) from the U.S. Army Corps of Engineers. An Order of Conditions will be required from the Hadley Conservation Commission for work within a resource area.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that may have significant environmental impacts and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction exists over land alteration, traffic/air quality, wetlands, and stormwater.

Wetlands/Drainage

The major shortcoming of the EIR concerns issues primarily related to wetland issues. The comments from DEP have spelled out a number of areas where that agency requires

additional information to fully understand project impacts and the appropriateness of potential mitigation measures. Although I will allow the proponent to structure the Supplemental Final EIR as a response to the comments received from state and local agencies, such as DEP, and abutters, the Supplemental Final EIR must also present additional narrative and/or analysis as appropriate to respond to the comments raised. The Supplemental Final EIR must also include necessary supporting materials in an appendix to validate any conclusions reached in the document.

It should be noted that a Determination issued by the Hadley Conservation Commission on 6/13/03 has expired. Therefore, no delineation, based on that decision, remains valid. The Hadley Conservation Commission issued a Determination of Applicability (DOA) postmarked December 22, 2004 only for portions of the property and not all the wetlands. DEP and the Hadley Conservation Commission have raised a number of concerns in their comment letters regarding this issue and need for clarification on related boundary delineation issues on the entire site including wetlands on the south side of Route 9. The Supplemental Final EIR must provide additional information and analysis that addresses these issues. In addition, the Supplemental Final EIR should completely address the secondary road crossing and its compliance with the Massachusetts River and Stream Crossing Standards of August 6, 2004, as well as include a narrative detailing the dewatering methodology for that work.

MassDEP's Wetlands Program administers the Section 401 Water Quality Certification regulations on behalf of the US Army Corps of Engineers and under the Massachusetts Clean Waters Act. The proponent is required to provide sufficient information to adequately describe cumulative impacts to "Waters of the United States within the Commonwealth" (Bordering and Isolated Vegetated Wetlands and Land Under Water). Under these regulations impacts are to be avoided, minimized and mitigated. The Supplemental Final EIR should address the issue of Federal Wetlands delineation under the Federal Clean Water Act and the Massachusetts Clean Waters Act.

The submitted plan does not meet the "single and complete" requirement of 314 CMR 9.04(3). The applicant proposes to divide Lot 38 into Lots 1 and 2. The secondary access road is entering the 272 Russell St. property, which contains wetlands that have yet to have their delineation legally confirmed. The complete impact of the secondary road is not known and should be shown on the plan and included in the Supplemental Final EIR. The Supplemental Final EIR should also address permitting thresholds including reviewing possible triggers detailed in the U.S. Army Corps of Engineers Programmatic General Permit (PGP) condition V. 2 and act accordingly.

The Supplemental Final EIR should also address any Prior Converted Wetlands issue(s) for this site and whether any threshold has been reached. I note that any permit issued by MassDEP may be subject to the provisions of 950 CMR 71.07(2)(b)1. I strongly encourage the proponent to continue discussions with the Massachusetts Historical Commission which will

assist MassDEP in efficiently complying with this regulation.

The Supplemental Final EIR must discuss the consistency of the drainage plan with the DEP Stormwater Management guidelines. The Supplemental Final EIR should clearly identify any stormwater discharge points, and describe any drainage impacts associated with required off-site roadway improvements.

Traffic

The Final EIR included a traffic study that generally conforms to the EOEA/EOT Guidelines for EIR/EIS Traffic Impact Assessments. The project proponent has committed to geometric and traffic signal improvements to address highway capacity and safety concerns along the Route 9 corridor in the vicinity of the project as well as a number of Transportation Demand Management (TDM) measures aimed at reducing single occupancy vehicle travel to the site. We believe that the FEIR has adequately addressed most of the traffic impacts associated with the Lowe's of Hadley project; however, we offer the following comments that can be addressed by the project proponent during the permitting process for this project.

During the review of the Draft EIR, MassHighway had asked, and I concurred, that the proponent should discuss the feasibility of advancing the goals of the MassHighway Connecticut River Crossing Transportation Study, which recommended a four-lane cross section along Route 9 including the segment between the proposed Lowe's driveway and the Home Depot driveway. The Final EIR did not provide this information. The Supplemental Final EIR should clearly state commitments to provide the necessary 100% plans, specifications and estimate per MassHighway project guidelines for future implementation by MassHighway.

In addition, the project proponent has committed to a list of TDM measures to reduce auto dependency and site trip generation. The project proponent should continue working closely with the MassHighway District 2 Office, the Town of Hadley, and the Pioneer Valley Transit Authority to resolve any outstanding issues regarding these mitigation measures. Specifically, in the Final EIR the proponent committed to provide a 25% contribution to the cost of implementing bus priority system along the Route 9 corridor. The Supplemental Final EIR should elaborate on what requirement is needed at each signalized intersection to implement the preemption. Priority preemption should not be limited to the site drive and the four committed intersections but all signalized intersections along the Route 9 corridor. The Supplemental Final EIR should also address the outstanding traffic issues raised in the comment letters from the Pioneer Valley Transit, the Pioneer Valley Planning Commission and abutters.

The Final EIR included a draft Section 61 Finding that outlines each mitigation measure the project proponent intends to implement in order to mitigate the traffic impacts of this project. The proponent should submit to MassHighway a revised letter of commitment that clearly indicates the proponent's commitment to provide the additional mitigation measures discussed in

this letter. This letter of commitment will be the basis for the Section 61 Finding to be issued by MassHighway prior to the issuance of the access permit.

Comments

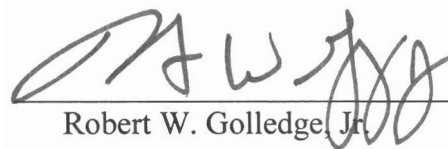
The Supplemental Final EIR should respond to the substantive comments received. As noted above, I will allow the proponent the option of structuring the Supplemental Final EIR as a response to comments document. The Supplemental Final EIR must also present additional narrative and/or analysis as appropriate to respond to the comments raised. The Supplemental Final EIR must also include necessary supporting materials in an appendix to validate any conclusions reached in the document.

Mitigation

The Supplemental Final EIR should include updated Proposed Section 61 Findings as appropriate.

October 18, 2006

Date



Robert W. Golledge, Jr.

Comments Received:

10/09/06	Arden Pierce
10/09/06	Andrew Bellak
10/10/06	David Elvin
10/10/06	Ruth Feldberg
10/10/06	Karen Ribeiro
10/11/06	Department of Environmental Protection – WERO
10/11/06	Executive Office of Transportation/ Massachusetts Highway Department
10/11/06	Connecticut River Watershed Council
10/11/06	Pioneer Valley Transit Authority
10/12/06	Hadley Conservation Commission
10/12/06	Pioneer Valley Planning Commission

RWG/ACC/acc