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

PROJECT NAME	: The Village at West Bridgewater
PROJECT MUNICIPALITY	: Lincoln Street – West Bridgewater
PROJECT WATERSHED	: Taunton River
EOEA NUMBER	: 14320
PROJECT PROPONENT	: Conroy Development Corporation
DATE NOTICED IN MONITOR	: September 24, 2008

Pursuant to the Massachusetts Environmental Policy Act (G. L., c. 30, ss. 61-62I) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this **project requires** the preparation of an Environmental Impact Report (EIR).

According to the Environmental Notification Form (ENF), the proposed project consists of the construction of a 382,000 square foot (sf) multi-tenant mixed-use commercial development (retail) with 2,159 surface parking spaces. The 72.8-acre site is vacant of structures and approximately 53 acres of the site are in active agricultural use. The project site is located within the Hockomock Swamp Area of Critical Environmental Concern (ACEC).

This project is subject to a mandatory EIR pursuant to Sections 11.03(1)(a)(2), 11.03(6)(a)(6), and 11.03(6)(a)(7) of the MEPA regulations because it creates ten or more acres of impervious area, generates 3,000 or more new vehicle trips, and includes the construction of 1,000 or more parking spaces. The proponent will require Massachusetts Highway Department (MassHighway) Indirect Access Permit. The project will require a Groundwater Discharge Permit and a Package Treatment Plant Permit from the Department of Environmental Protection (MassDEP). The project is subject to the EEA/MEPA Greenhouse Gas (GHG) Emissions Policy. It may undergo review with the Natural Heritage and Endangered Species Program (NHESP) under the Massachusetts Endangered Species Act to determine if a permit is required. The proponent must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. An Order of Conditions will

be required from the West Bridgewater Conservation Commission for work within buffer zones. Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction is limited to those aspects of the project within the subject matter of required state permits and that may cause Damage to the Environment, as defined in the MEPA regulations (in this case: land alteration, agricultural resources, wetlands, stormwater, wastewater, traffic, and air quality).

The proponent will construct its single site driveway onto Lincoln Street, and it will seek permission to signalize this intersection. Using the Institute of Traffic Engineers (ITE) Handbook Land-Use Code 820, the proponent estimates that the project will generate approximately 16,084 new average weekday vehicle trips.

The proposed project will be connected to the existing West Bridgewater municipal water system. It will consume approximately 36,300 gallons per day (gpd) of water. The project will generate approximately 33,000 gpd of wastewater. The proponent is proposing to construct a wastewater package treatment plant with a groundwater discharge with private sewer lines to service the project's tenants.

SCOPE

As modified by this scope, the Draft EIR should conform to Section 11.07 of the MEPA regulations for outline and content. The Draft EIR should also address the 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 any project phasing. It must identify all land ownership and options by the proponent adjacent to the project site. The EIR should identify any areas on the project site containing prime agricultural soils. It should supply a figure and describe how it would mitigate any proposed impacts to these soils. The EIR should also identify if the owner of the project site has received any agricultural tax abatements for portions of the site, and it should identify the amount and specifics regarding these tax abatements.

The EIR should discuss the aesthetics of the project, and should include a conceptual-level landscaping plan and building elevations from all sides. It should identify any proposed lighting impacts on adjacent residential structures. The EIR should discuss how this project is compatible with local, regional, and state land use planning.

Alternatives Analysis

The EIR should discuss and compare the Preferred Alternative, a GHG Alternative with greater GHG related mitigation, and the No-Build Alternative. It should summarize the alternatives already developed for the project site by the proponent. The analysis should clearly present the alternative driveway configurations at the site and identify the advantages and disadvantages of the Preferred Alternative. The EIR should consider providing another driveway onto Lincoln Street at the southern end of the project site for safety. 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 that are scoped.

Traffic

The EIR should be prepared in conformance with the EEA/EOT 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 unadjusted and adjusted trip generation rates and pass-by trips must be fully explained in the EIR.

The EIR should include a Level-of-Service (LOS) analysis for the following intersections:

Route 24/West Center Street (Route 106) Interchange (both Northbound and Southbound Off-ramps);
West Center Street/Lincoln Street;
Site Driveway(s)/Lincoln Street;
West Center Street/Pleasant Street;
West Center Street/Manley Street;
Manley Street/West Street;
Route 106(Foundry Street)/Route 138 (Turnpike Street);
Pleasant Street/South Elm Street;
Lincoln Street/South Elm;
South Elm Street/Scotland Street;
West Street/West Center Street;
West Street/Crescent Street;
West Center Street/Crescent Street;
West Center Street/Friend Street;
West Center Street/Church Street;
Prospect Street/West Center Street;
West Center/South Elm/North Elm Streets;
West Center/Howard Streets; and
West Center/North Main (Route 28)/East Center (Route 106)/River/South Main Streets (Route 28).

The EIR's LOS tables should include the weekday evening and the Saturday peak hours for each movement for these above intersections. If any office uses are proposed on the project site, the EIR should include the weekday morning peak hours as well. The EIR should verify the proposed afternoon peak hour. The Volume/Capacity ratio should also be provided for signalized intersections. The EIR should include a summary of average and 95th percentile vehicle queues for each intersection within the study area.

Traffic accident history for the three most recent years for which data are available should be reviewed and presented for the study area. In the DEIR, traffic accident problem areas should be identified, and solutions should be proposed.

The EIR should discuss the proponent's coordination efforts with MassHighway and West Bridgewater officials 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 proponent should collect Automatic Traffic Recorder Counts on Route 106 on both sides of Route 24 in order to clarify the discrepancies in traffic volumes noted by the Old Colony Planning Council (OCPC) in its comment letter, and it should report its results in the EIR.

The EIR should discuss the suitability of the proposed signalization changes and any roadway widening. It should discuss right-of-way (ROW) implications of possible widening and describe how such ROW's would be acquired. The EIR should include plans showing the configuration of each roadway intersection proposed for modification.

The proponent should consider participating in proposals by the Town of West Bridgewater and MassHighway to provide additional traffic mitigation measures to reduce the impacts on estimated delay at adjacent intersections along the Route 106 corridor. The proponent should consider coordinating the existing/proposed traffic signal at the main driveway with other existing/proposed MassHighway signals along this area of the Route 106 corridor.

Parking

The EIR should describe how the number of parking spaces was determined, and assess whether the full 2,159 spaces on the project site will actually be required to handle parking demand generated by the project. If parking supply is greater than the amount required under local zoning, the DEIR should explain why, and discuss the impacts of excess parking upon the proposed Transportation Demand Management (TDM) program, and the feasibility of an alternative with fewer spaces. The EIR should identify the amount of parking spaces recommended in the ITE Parking Manual.

Transportation Demand Management

The EIR should outline the proponent's Transportation Demand Management (TDM)

Program. TDM measures to consider include: providing a guaranteed ride home for employees who rideshare; offering flextime to employees and direct deposit; providing an ATM; and coordinating its TDM services with other nearby retailers and employers. The proponent should commit to initiate or to become a member in a Transportation Management Agency (TMA).

Public Transit

There is no current public transportation bus service within West Bridgewater. There is a commuter bus stop for Boston service located adjacent to Route 24. The proponent should begin discussions with the local transit operator regarding the feasibility of establishing transit service to the site and providing access via connections to the nearest commuter rail station.

Pedestrian and Bicycle Facilities

The EIR should show where sidewalks currently exist in a map of the area and where the proponent proposes sidewalks. The proponent should discuss the feasibility of providing a sidewalk along the Route 106 and Lincoln Street site frontage. The EIR should identify how these sidewalks would connect to other sidewalks and proposed crosswalks. It should identify the proposed bicycle facility improvements included with this project. Bicycle parking/storage areas should be identified on a plan.

Air Quality

An air quality mesoscale analysis for ozone will be needed for this project to assess the total volatile organic compound (VOC) and nitrogen oxide (NOx) emissions associated with all project-related vehicle trips and to demonstrate that VOC/NOx emissions associated with the Preferred Alternative are less than those from the no-build case in the short- and long-term. If VOC/NOx emissions from the Preferred Alternative are greater than the no-build case, reasonable and feasible VOC/NOx reduction/ mitigation measures should be included. The proponent should consult MassDEP's "Guidelines for Performing Mesoscale Analysis of Indirect Sources" to determine the appropriate study area. This section of the DEIR should discuss opportunities to enhance pedestrian, bicycle, and transit modes to reduce the air quality impacts of the proposed project. The EIR should discuss the project's compliance with MassDEP's Ridesharing Regulations, 310 CMR 7.16. The mesoscale analysis should also be used to estimate indirect carbon dioxide (CO_2) emissions from transportation sources in conjunction with the GHG Policy.

Greenhouse Gas Emissions (GHG)

The proposed project is subject to EEA's Greenhouse Gas (GHG) Policy that requires proponents to quantify project-related GHG emissions and propose and quantify the impact of mitigation measures to reduce GHG emissions. A copy of the GHG Policy may be found at: http://www.mass.gov/envir/mepa/pdffiles/misc/GHG%20Policy%20FINAL.pdf. The DEIR must

include a GHG analysis that calculates emissions for both mobile and stationary sources and a corresponding mitigation program to reduce overall GHG emissions associated with the project.

The proponent should demonstrate in the DEIR that it has evaluated and committed to GHG-reduction measures consistent with the GHG Policy. The proponent should evaluate additional GHG mitigation alternatives as suggested by MassDEP and the Department of Energy Resources (DOER) in their comments submitted on the ENF. The EIR should include the analysis of a project alternative that provides greater GHG related mitigation than the Preferred Alternative. It should consider the feasibility of implementing alternative energy sources for the project and/or purchasing power generated by renewable energy sources for any portion of the electricity use on the site. The proponent should clarify which specific measures will be implemented, provide supporting modeling data that reflects the implementation of these measures, and clearly depict how these measures reduce GHG emissions in a future Build with Mitigation scenario.

The DEIR should respond to the comments by MassDEP/DOER with respect to:

- Pursuit of Leadership in Energy and Environmental Design (LEED) and/or Energy Star certifiable project status;
- Explanation of building orientation and discussion of expected impacts on energy usage;
- Energy efficient lighting;
- Interior day-lighting of buildings;
- Duct insulation;
- Incorporation of third-party building commissioning;
- Implementation of building energy management systems;
- Roof and wall insulation;
- Windows and high-albedo roofing materials;
- On-site renewable energy sources. The DEIR should evaluate the use of photovoltaic (PV) systems in accordance with the recommendations of DOER. The DEIR should also investigate the use of solar thermal or geothermal energy sources on-site;
- District heating and cooling systems or if this is infeasible, HVAC systems;
- Wastewater treatment facility energy demands; and
- Materials management.

The GHG analysis should clearly present modeling data inputs, the results of calculations used to quantify Existing Conditions, the Build Conditions, and the impact of proposed emissions-reduction mitigation. If the proponent uses graphics, graphics should be produced so that the reader can understand the results and understand the potential CO_2 reductions associated with individual mitigation measures. In the DEIR, the proponent should fully explain any trade-offs inherent in the evaluation of GHG reduction measures, such as increased impacts on some resources to avoid impacts to other resources.

The DEIR should reflect a commitment to pursue additional GHG mitigation measures in response to the modeling. If the proponent chooses not to model a specific mitigation measure recommended by MassDEP because it determines the measure to be infeasible for this particular project, the DEIR must justify why modeling was not conducted. If, after further evaluation of a GHG mitigation measure using energy modeling software, the proponent does not propose to implement the measure, the DEIR should provide technical and cost analyses to document the rationale for not making the commitment. I strongly encourage the proponent to consult with the MEPA Office, MassDEP and DOER prior to submission of the DEIR with regard to the anticipated content of the GHG analysis.

Wetlands

The Wetland Section of the EIR should contain an alternatives analysis to ensure that all wetland impacts are avoided, and where unavoidable impacts occur, impacts are minimized and mitigated. The EIR should illustrate that the impacts have been minimized and that the project will be accomplished in a manner that is consistent with the Performance Standards of the Wetlands Regulations (310 CMR 10.00).

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.

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 provide an accurate measurement of the wetland resource areas that will be affected by the project.

For any amount of required wetlands replication, a detailed wetlands replication plan should be provided in the EIR that, at a minimum, includes: replication location(s) delineated on plans, elevations, typical cross sections, test pits or soil boring logs, groundwater elevations, the hydrology of areas to be altered and replicated, list of wetlands plant species of areas to be altered and the proposed wetland replication species, planned construction sequence, and a discussion of the required performance standards and monitoring. MassDEP is recommending a replication rate greater than 1:1. The EIR should identify how the proponent will preserve and protect all land within fifty feet of wetlands. It should state how many acres will be preserved via this method and what the proponent's method for preservation is.

Wildlife Habitat

The EIR should summarize the proponent's survey in 2007 for Kennedy's Emerald Dragonfly and a Habitat Assessment for Blanding's Turtle on the project site. It should identify the impacts from each alternative on habitat within the study area. The proponent should consult with the Natural Heritage and Endangered Species Program (NHESP) regarding the Priority and Estimated Habitat for endangered species, and the EIR should identify the results of this consultation. NHESP has identified the following state-listed rare species in the vicinity of the project site: Kennedy's Emerald Dragonfly and Blanding's Turtle.

The EIR should identify any wildlife connections proposed from the other side of Route 24 to the project site. The most significant habitat areas should be identified in advance of finalizing the Preferred Alternative and in advance of making any zoning changes that could be required to facilitate the proposed development.

The EIR should contain a restoration plan for the project site that considers invasive species management so that native vegetation and habitat are maintained in the undeveloped and permanently protected areas of the site.

Drainage

The EIR should evaluate potential drainage impacts on water resources, such as the Zone II and III Aquifer Protection Zones for municipal wells. It should include a map showing what portions of the project site are within the Zone II and III Aquifer Protection Zone for municipal well fields. The EIR should present drainage calculations and plans for the management of stormwater from the proposed project. It should include a detailed description of the proposed drainage system design, including a discussion of the alternatives considered along with their impacts. The EIR should identify the quantity and quality of flows. The rates of stormwater runoff should be analyzed for the 10, 25 and 100-year storm events. The proposed drainage system should control storm flows at existing levels. 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 Route 24 and Route 106 or Lincoln Street drainage systems, the EIR should clarify the permits required from MassHighway and if there will be a recharge deficit on-site. The EIR should indicate and discuss where the Route 24 and 106 and Lincoln Street drainage systems discharge in this area.

The EIR should address the performance standards of DEP's Stormwater Management Guidelines. It should demonstrate that the design of the drainage system is consistent with these guidelines, or in the alternative, why the proponent is proposing a drainage system design not recommended by MassDEP. The proponent should use the MassDEP Stormwater Management Handbook when addressing this issue.

The EIR should discuss 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.

In addition, a maintenance program for the drainage system should be included in the EIR to ensure its effectiveness. This maintenance program should outline the actual maintenance operations, responsible parties, and back-up systems.

Water

The EIR should identify any Town of Bridgewater water system improvements that will be required by the proponent in order to connect to the municipal water system. It should describe the proponent's proposed water infrastructure improvements. The EIR should provide a detailed breakdown of the estimated water demand for the project. This breakdown should include the proposed outdoor watering demand for landscaping and the projected water source. The EIR should identify the water conservation measures to be implemented by the proponent to meet the applicable 2006 Massachusetts Water Conservation Standards.

Wastewater

The EIR should outline the proponent's efforts to reduce water consumption and thereby reduce wastewater generation. It should identify the design of its proposed wastewater system with a groundwater discharge. Is the groundwater discharge located within the Zone II of a municipal wellhead protection area? The EIR should identify if the discharge is located within a nitrogen sensitive area. It should show the breakdown of its wastewater calculations by each component proposed on the project site.

Historical/Archaeological Issues

The Massachusetts Historical Commission (MHC) has determined that portions of the project area are archaeologically sensitive and may contain significant historic and archaeological resources. The EIR should summarize the results of its intensive (locational) archaeological survey, which will be conducted for the project.

Hazardous Wastes

The EIR should present a summary of the results of any hazardous waste studies and remediation efforts undertaken at the site by the proponent.

Construction

The EIR should present a discussion on potential construction period impacts (including but not limited to noise, dust, blasting, wetlands, and traffic maintenance) and analyze feasible measures that can avoid or eliminate these impacts. It should identify its plans for proposed blasting on the site. The EIR should outline the proponent's plans to provide substantial fill on the project site.

Sustainable Design

The size of this project and the early stage of the design present 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. 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 into 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.

Mitigation

The EIR should include a separate chapter on mitigation measures. This chapter on mitigation should include a proposed Section 61 Finding for all state permits. The proposed Section 61 Finding 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.

Response to Comments

In order to ensure that the issues raised by commenters are addressed, the EIR should include response to comments. This directive is not intended to and shall not be construed to enlarge the scope of the EIR beyond what has been expressly identified in this Certificate.

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

October 24, 2008
Date

Ian A. Bowles

Comments received:

MHC, 9/29/08
Alan Millerick, 10/8/08
MassWildlife, 10/10/08
DCR, 10/14/08
Mass Audubon, 10/14/08
MassDEP/SERO, 10/14/08
West Bridgewater Board of Selectmen, 10/14/08
OCPC, 1014/08
West Bridgewater Fire Chief, 10/15/08
EOT, 10/17/08

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