



*The Commonwealth of Massachusetts*  
*Executive Office of Energy and Environmental Affairs*  
 100 Cambridge Street, Suite 900  
 Boston, MA 02114

Deval L. Patrick  
 GOVERNOR

Timothy P. Murray  
 LIEUTENANT GOVERNOR

Ian A. Bowles  
 SECRETARY

Tel: (617) 626-1000  
 Fax: (617) 626-1181  
<http://www.mass.gov/envir>

November 15, 2007

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

PROJECT NAME : Spring Street Roadway Improvements & Industrial Lot  
 Development  
 PROJECT MUNICIPALITY : Franklin  
 PROJECT WATERSHED : Charles River  
 EOEА NUMBER : 14111  
 PROJECT PROPONENT : Maggiore Companies/Town of Franklin  
 DATE NOTICED IN MONITOR : October 9, 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 an Environmental Impact Report (EIR).

Project Description

According to the Expanded Environmental Notification Form (ENF), the project entails the construction of a 4,340-foot extension of Spring Street with a 50-foot right-of-way (ROW) easement and the construction of a seven-lot industrial park containing approximately 387,000 square feet (sf) of floor area. The project will be constructed in two phases, the first of which is the roadway and utility construction. The proponent will provide public water and sewer service with a pump station. Phase 2 includes the development and construction of the seven industrial lots. The industrial park will contain warehousing, light manufacturing and office land uses with approximately 731 parking spaces. The 54.3-acre site is mostly undeveloped and forested. One existing residential structure on the site will be demolished.

This project is subject to a mandatory EIR pursuant to Section 11.03(1) (a) (2) because it will create ten or more acres of impervious area. The project will require an Access Permit from the Massachusetts Highway Department (MassHighway) for access to Route 140 and a Construction and Access Permit from the Department of Conservation and Recreation (DCR). It will require a 401 Water Quality Certification and a Water System Modification Permit, and may require a Sewer Extension Permit, from the Department of Environmental Protection (MassDEP). The project must comply with the U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges. The project may require a Programmatic General Permit from the U.S. Army Corps of Engineers. It will also require an Order of Conditions from the Franklin Conservation Commission as a limited project for impacts to wetland resource areas for roadway access. MEPA jurisdiction is limited to those aspects of the project within the subject matter of state permits and that may have significant environmental impacts (land alteration, transportation, wetlands, and stormwater management).

### 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 describes and analyzes all aspects of the project; provides a detailed baseline in relation to which potential environmental impacts and mitigation measures can be assessed; and demonstrates 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.

### **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 MEPA jurisdiction, and it should include a copy of this Certificate and all comment letters received.

### Project Description

The EIR should provide a detailed project description with a summary/history of the project. It should include existing and proposed conditions plans. The EIR should identify and describe any proposed project phasing. The EIR should discuss how this project is compatible

with Executive Order 385, the Metropolitan Area Planning Council's (MAPC) Regional Policy Plan, and the Town of Franklin's Master Plan and Open Space Plan, as well as local zoning.

### Alternatives Analysis

The EIR should summarize and compare the Preferred and the No-Build Alternatives. It should discuss alternatives that might result in reduced impacts to wetland resource areas, as well reduce overall impervious area on the project site through the implementation of alternative building configurations and/or reduced areas of pavement. The EIR should summarize the residential alternatives already developed for the project site. 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.

### Potential Impacts to Article 97 Land

The project site abuts the Franklin State Forest, land that is protected under Article 97 of the Amendments to the Constitution of the Commonwealth. In its comments, the Department of Conservation and Recreation (DCR) expressed its concerns about the project's potential impacts to the abutting state forest and associated wildlife, as well as implications for state forest visitors.

Proposed roadway work to serve the project in Spring Street and Forge Hill Road will require a Construction and Access Permit from DCR. Permit conditions and Article 97 considerations will depend on the extent of permanent alterations in the DCR-controlled portion of these roadways. The proponent should consult with DCR regarding these matters and provide a summary of any permitting or other legal issues in the EIR. The EIR should also thoroughly address and respond to the specific issues and concerns raised by DCR in its comments.

### Transportation

#### *Traffic*

The proposed extension of Spring Street within the project site would connect the proposed development with West Central Street (Route 140), a state highway. I note that the ENF indicated that this extension would be 4,025 feet. The proponent submitted supplemental information indicating that this extension would actually be 4,340 feet. Using the Institute of Traffic Engineers (ITE) Land Use Code 130, the proponent estimates that the project will generate approximately 2,236 vehicle trips on an average weekday.

The EIR should be prepared in conformance with the EEA/EOT Guidelines for EIR/EIS Traffic Impact Assessments. It should identify appropriate mitigation measures for areas where the project will produce impacts on local and regional traffic operations, especially where delays would increase at intersections within the project study area.

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

- Route 140/Maple Street/South Maple Street (Bellingham);
- Route 140/Forge Parkway (West);
- Route 140/West Central Street;
- Route 140/Forge Parkway (East);
- Route 140/West Central Street/Grove Street; and
- Route 140/Spring Street (Site Drive).

In its comments, MassHighway states that the traffic impact and access study submitted with the ENF generally conforms to the EEA/EOT Guidelines for Traffic Impact Assessment. The traffic impacts analyzed as part of the ENF, specifically at the Route 140 and Maple Street in Bellingham, show a reduction in LOS created by the project that further exacerbates already poor operating conditions at this location. MassHighway believes that the overall mitigation measures suggested for the project are appropriate and reasonable, with the exception of the Route 140/ Maple Street intersection. Because the project will have a substantial impact at this location, the EIR should include a commitment to advance mitigation measures at this location, for example, funding for the design of Route 140/ Maple Street intersection improvements.

The EIR should include a map of the traffic impact study area and summarize this LOS analysis in a tabular format that includes each movement for all of the study area 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.

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

The EIR should discuss the proponent's coordination efforts with MassHighway and the affected municipalities as they attempt to address regional and local traffic concerns in the area. It should provide the most current information on the proposed construction dates for significant roadway improvements in the area.

#### *Parking and Pedestrian and Bicycle Facilities*

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

The EIR should show where sidewalks currently exist on a map of the area and where the proponent proposes to construct sidewalks. It should identify how these sidewalks would

connect to other sidewalks and proposed crosswalks. The EIR should also discuss how the project will accommodate bicyclists, including proposed locations for bicycle racks.

#### *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 to consider include: an on-site transportation coordinator; a ridesharing program; a guaranteed ride home for employees who rideshare; flexible working hours; shuttle service to and from the nearby MBTA commuter rail station at Forge Park; and coordinating TDM services with other nearby employers as part of a Transportation Management Association (TMA).

#### Air Quality

While the project was filed with the MEPA Office prior to the adoption of the final Greenhouse Gas (GHG) Emission Policy on November 1, 2007, and therefore is not subject to the requirement that a quantitative analysis be provided, the project is subject to the interim policy, which requires that the EIR identify and describe all project-related GHG emissions and discuss measures to avoid minimize or mitigate these impacts. provide I encourage the proponent to voluntarily quantify GHG emissions generated by the proposed project and identify measures to avoid, minimize, or mitigate GHG emissions.

#### Wetlands

The EIR should identify the proponent's efforts to obtain an Order of Conditions from the Franklin Conservation Commission. According to the ENF, the project will alter approximately 9,088 sf of Bordering Vegetated Wetlands (BVW) located along a portion of the Spring Street right-of-way. The proponent proposes this alteration as a "limited project" under the wetlands regulations. It is utilizing retaining walls to reduce wetland impacts. The proponent is proposing an approximately 9,100 sf replication in three areas.

The EIR should characterize the significance of the wetland resources on-site, including public and private water supply; riverfront areas; flood control; storm damage prevention; fisheries; and wildlife habitat 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 Franklin Conservation Commission. It should specify whether additional Orders of Conditions will be required when the proponent develops the individual lots with buildings. All resource area boundaries, riverfront areas, applicable buffer zones, and 100-year flood elevations should be clearly delineated on a plan. The plan should also identify the location of nearby public water supplies and wells.

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) at a minimum of 1.5 to 1.0 ratio delineated on plans, elevations, typical cross sections, test pits or soil boring

logs; groundwater elevations; the hydrology of areas to be altered and replicated; a list of wetlands plant species in areas to be altered and the proposed wetland replication species; planned construction sequence; and a discussion of the required performance standards and monitoring, including compliance with MassDEP's Stormwater Management Policy.

In its comments, MassDEP states the proponent must develop and implement a comprehensive erosion and sedimentation control plan for the construction period, given the project's size and the presence of steep slopes on the project site. The EIR should present, at a minimum, a draft of this plan.

### Stormwater Management

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 MassHighway 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 MassHighway 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 de-icing 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 adversely affected 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 the Town of Franklin is required to prepare and implement.

The EIR should describe the maintenance program for the drainage system, which will be required to ensure its effectiveness. This maintenance program should outline the actual maintenance operations, responsible parties, and back-up systems.

### Water Use and Wastewater Generation

Each of the proposed lots within the industrial subdivision will connect to municipal water and wastewater services. The ENF estimated that the project would consume about 5,949 gallons per day (gpd) of potable water and generate approximately 5,949 gpd of new wastewater flow. I note that the proponent provided supplemental information that indicates the project will consume about 12,412 gpd of potable water and generate approximately 11,284 gpd of new wastewater flow. The ENF also states that the length of the proposed sewer line within existing roadways would be 0.75 miles. If the Town of Franklin assumes ownership of this sewer line, the proponent must obtain a Sewer Extension Permit (BRP-WP-72) from MassDEP.

The EIR should identify any constraints within the municipal water supply and delivery system that the project may adversely affect. The EIR should depict the location of any groundwater wells proposed for irrigation purposes and quantify the amount of water that would be used for irrigation. It should also indicate if any water storage tanks are proposed on-site. The EIR should also outline measures that the proponent will undertake to reduce water consumption by the project, and thereby reduce wastewater generation.

### 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.

### 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. 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 Summary and Draft Section 61 Findings

The EIR should include a separate chapter on mitigation measures, including draft Section 61 Findings for all state agencies that will issue permits for the project. The draft Section 61 Findings should contain a clear commitment to implement mitigation measures and estimates of the costs of specific mitigation measures, and identify the parties responsible and schedule for implementing the mitigation. The proponent is proposing to provide a 20-foot portion of Lot #7 as an easement for pedestrian and emergency access to the Franklin State Forest. The in-fee portion to the Town of Franklin is approximately 7,823 sf, and the easement portion is 348 sf.

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 Towns of Franklin and Bellingham and MassHighway to provide additional traffic mitigation measures to reduce the impacts on estimated delay at adjacent intersections.

### Responses to Comments

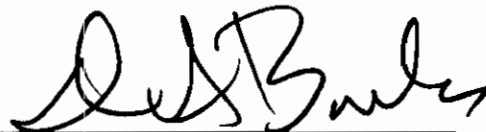
The EIR should respond to the comments received to the extent that comments are within the subject matter of this scope. Each comment letter should be reprinted in the EIR. I defer to the proponent as it develops the format for this section, but the Response to Comments section should provide clear answers 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 Franklin and Bellingham officials. A copy of the EIR should be made available for public review at the Franklin and Bellingham Public Libraries.

November 15, 2007

DATE



Ian A. Bowles



Comments received:

11/13/07     DCR  
11/14/07     MassDEP Central Regional Office  
11/14/07     Executive Office of Transportation

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IAB/WTG/wtg