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November 26, 2008

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

PROJECT NAME : Stone Ridge
PROJECT MUNICIPALITY : Milford
PROJECT WATERSHED : Charles River
EEA NUMBER : 14127
PROJECT PROPONENT : **The Gutierrez Company**
DATE NOTICED IN MONITOR : October 22, 2008

As Secretary of Energy and Environmental Affairs, I hereby determine that the Final Environmental Impact Report (FEIR) submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) and with its implementing regulations (301 CMR 11.00).

As described in the FEIR, the project includes construction of four (4) office buildings totaling 625,000 square feet (sf) in area; approximately 1,800 feet of improved roadway within an existing right-of-way, including a bridge crossing of the Charles River and a road culvert designed in accordance with the Army Corps of Engineers Stream Crossing Guidelines; approximately 2,114 total parking spaces; associated stormwater management facilities; connections to available water and sanitary sewer facilities; and a 29-acre conservation restriction.

The project site is approximately 80 acres in area, located adjacent to Route 85 (Cedar Street) and Interstate 495 in Milford. The site is currently undeveloped and contains a portion of

the Charles River and an associated wetland system. Wildcat Pond is located to the east of the project site, and is part of the local water supply system. The future expansion of the Upper Charles Trail multi-use path will cross Deer Street and continue toward Hopkinton. The Preferred Alternative will alter approximately 43.1 acres of land, rendering 25.3 acres of land impervious. Wastewater generation is estimated at 46,875 gallons per day, with connections to existing sewer infrastructure in Cedar Street and the construction of a new pump station. The office uses will generate approximately 5,470 new vehicle trips per day, with peak hours occurring in the morning and afternoon on weekdays. There will be minimal traffic impact on weekends. Finally, the FEIR has estimated a total of 12,680 sf of work within wetland areas (state and locally-jurisdictional), of which 2,720 sf will include permanent Bordering Vegetated Wetland (BVW) impact. Approximately 14,100 sf of wetland replication will be provided.

The project exceeds several ENF and mandatory EIR thresholds in accordance with 301 CMR 11.03, and will require several State permits. The project was subject to the preparation of a mandatory EIR pursuant to: Section 11.03(1)(a)(2) due to the creation of ten or more acres of impervious area; Section 11.03(6)(a)(6) due to the generation of 3,000 or more new average daily trips on roadways providing access to a single location; and Section 11.03(6)(a)(7) due to the construction of 1,000 or more new parking spaces at a single location. The project also exceeded ENF thresholds pursuant to Section 11.03(2)(b)(2) because it will result in the take of an endangered or threatened species or species of special concern and Section 11.03(3)(b)(d) due to the alteration of 5,000 or more square feet of bordering or isolated vegetated wetlands. The project will require a Section 401 Water Quality Certificate (401 WQC), a Sewer Extension Permit, and Approval of a National Pollutant Discharge Elimination Systems Stormwater Pollution Prevention Plan for Construction or Industrial General Permits Discharging to Outstanding Resource Waters (ORWs) from the Massachusetts Department of Environmental Protection (MassDEP). The project will also require an Indirect Vehicular Access Permit from the Massachusetts Highway Department (MassHighway) and a Conservation and Management Permit from the Massachusetts Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program (NHESP). A Section 404 Category II Permit from the U.S. Army Corps of Engineers (U.S. ACOE) and approval under the NPDES Construction General Permit from the U.S. Environmental Protection Agency (U.S. EPA) will be required. The project has already obtained local Site Plan Approval from the Milford Planning Board and an Order of Conditions from the Milford Conservation Commission.

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 cause Damage to the Environment as defined in the MEPA regulations and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction applies to impacts to land, rare species, wetlands, transportation, wastewater, and stormwater.

Review of the FEIR

The FEIR included a project description, a discussion of the MEPA review history, a list of anticipated permits and approvals, and a summary of existing and proposed conditions. The FEIR contained an alternatives analysis prepared in accordance with the scope outlined in the

Certificate on the DEIR. This analysis included a description of previously discarded alternatives, an update on discussions with local permitting authorities regarding a reduced parking scenario, and the impacts of introduction of additional Low Impact Development (LID) techniques into the project. The alternatives analysis also included an alternative consistent with the required project 401 WQC permit application, including avoiding impacts to Wetland #9.

The FEIR contained an update on potential rare species impacts associated with the project. The Proponent has continued to advance design plans and conservation efforts in coordination with NHESP. The FEIR contained a plan of proposed conservation restriction areas, draft conservation restriction text, and draft construction period turtle-protection measures. The Proponent should address the outstanding items identified by the NHESP comment letter on the FEIR during the Conservation and Management Permit application process.

The FEIR included a transportation study that according to the Executive Office of Transportation and Public Works Public Private Development Unit (EOT) generally conforms to the EOEEA/EOTPW Guidelines for EIR/EIS Traffic Impact Assessments. EOT has noted that they are satisfied with the level of analysis included in the study and the overall commitment to mitigation to offset the impacts of the project.

At the request of EOT, the Proponent should supply supporting documentation to confirm that mitigation at the Route 85/I-495 northbound ramps and Route 85/I-495 southbound ramps intersections is not needed for Phase I (occupancy less than 150,000 sf). This documentation should include capacity analysis results for both intersections assuming occupancy of 150,000 sf of office space and be provided to EOT prior to the issuance of the Section 61 finding.

The FEIR provided a summary of historic and archaeological resource studies performed within the project area and described the potential impacts the project may have on these cultural resources. Results of these studies and investigations have been shared with the Massachusetts Historical Commission (MHC). Several of the identified historic/archaeological sites, the Albee Farmstead, Shea/McDevitt Complex and Wildcat Pond and Mill Race Sites are avoidable and the Proponent should work with the MHC to develop site avoidance and protection plans. As requested by the MHC, the Proponent should revise the proposed conservation restriction to include stipulations that will ensure the long-term protection and preservation of the archaeological resources associated with the Albee Farmstead. The Proponent should continue to work with the MHC, the U.S. ACOE and the Milford Historical Commission during ongoing on-site investigations.

The MHC recently issued a Permit to Conduct Archaeological Field Investigation for the Crystal Quartz Quarry and Cheney Farm Complex, located on the project site. The MHC has noted that additional project layout alternatives should be considered if the two sites are determined to be significant. If avoidance is not feasible, the MHC will request the development of a suitable mitigation plan. I remind the Proponent that should the development plan be altered to appropriately mitigate historical or archaeological impacts, the Proponent may need to file a Notice of Project Change (NPC) in accordance with 301 CMR 11.10.

The FEIR clarified the areas of proposed wetland impact and replication areas associated with the wetland crossings. The FEIR contained supporting data and documentation to generally address concerns raised by MassDEP regarding stormwater management. Additional information regarding Land Uses with Higher Potential Pollutant Loads (LUHPPLs) and LID techniques should be provided to MassDEP during the 401 WQC process.

I advise the Proponent that MassDEP has recently proposed a new stormwater general permit program in conjunction with related actions by the U.S. EPA. This proposed program will target the Charles River watershed, and the Town of Milford in particular, with proposed requirements to implement good housekeeping practices, meet new stormwater standards, and install stormwater controls systems within ten years (applying to both new and existing developments). Of note, this general stormwater permitting program has proposed reductions in phosphorous discharges by 65 percent. The Proponent will likely be required to comply with these proposed regulations once promulgated. I note the comments of MassDEP and the Charles River Watershed Association (CRWA) indicating that incorporation of additional LID techniques for the project could help reduce phosphorus loading from the site and better enable the project to meet the 65 percent reduction goal. I strongly encourage the Proponent to consider incorporation of additional measures to reduce phosphorus runoff in light of MassDEP's new draft regulations.

The project is not subject to the EEA Greenhouse Gas Emissions Policy and Protocol (the Policy). However, in light of the recently passed Global Warming Solutions Act which mandates economy-wide reduction targets for greenhouse gas emissions in Massachusetts of between 10 and 25 percent by 2020, I strongly encourage the proponent to voluntarily undertake measures to reduce GHG emissions associated with the project. Designing buildings to include energy efficiency measures beyond those required for minimum compliance with the building code can result in significant long term utility cost savings while benefiting the environment. I urge the proponent to seriously consider the advantages of incorporating GHG emission reduction measures into the project in light of the new law and potential for future cost savings.

The FEIR presented updated information on proposed wastewater infrastructure. A Sewer Extension Permit application has been submitted to MassDEP for their approval. The FEIR also contained a discussion of anticipated project phasing and construction sequencing. Finally, the FEIR included a response to comments and draft Section 61 findings for use by MassHighway, MassDEP, and NHESP.

Mitigation / Section 61 Findings

The FEIR included draft Section 61 findings for use by MassHighway, MassDEP, and NHESP. The FEIR has provided a schedule for implementation, along with estimates of cost and responsible parties. Traffic mitigation measures have been broken into four phases, based on square footage occupancies (Phase I = up to 150,000 sf; Phase II = 151,000 – 340,000 sf; Phase III = 341,000 – 450,000 sf and Phase IV = 451,000 – 625,000 sf). In accordance with MassDEP's request, the Proponent should forward draft Section 61 findings for wetland mitigation measures for use in the 401 WQC permitting process.

The proponent has committed to a range of mitigation measures including, but not limited to:

Traffic

- Construction of Deer Street as a public roadway and construction of an at-grade crossing of Deer Street for the proposed Upper Charles Trail multi-use path;
- Signalization of the Cedar Street (Route 85) at Deer Street intersection, including widening Cedar Street northbound approach to provide an exclusive left-turn lane and a through lane and widening the Cedar Street southbound approach to provide a through lane and a shared through/right-turn lane;
- Restriping of the northbound approach of Cedar Street at I-495 northbound ramps as a through lane and a shared through/left turn lane. Optimization and coordination of proposed traffic signal at Cedar Street/Deer Street intersection. Installation of a controlled pedestrian crossing, specifically the crossing of the Upper Charles Trail multi-use path of the I-495 northbound on-ramp;
- Construction of a roundabout at the Cedar Street at I-495 southbound ramps consisting of one lane for through movements and one lane for turning movements along Cedar Street southbound. Cedar Street northbound will consist of one lane for through movements and one lane for both through and turning movements. The I-495 on-ramp will be incorporated into the roundabout, with the I-495 off-ramp consisting of one lane for vehicles destined for Cedar Street northbound. A slip lane will be constructed to by-pass the roundabout for vehicles destined for Cedar Street southbound from the I-495 off-ramp;
- Installation of a cross-alert flashing beacon system at the crossing of the I-495 southbound ramp for the Upper Charles Trail multi-use path;
- Funding of design and construction of a right-in/right-out channelization island at the entrance/exit of Old Cedar Street and Cedar Street;
- Evaluation of signal timing upon completion of each build phase of the project and implementation of signal timing adjustments, if necessary, at the Cedar Street at Fortune Boulevard/Dilla Street intersection;
- Evaluation of signal timing upon completion of each build phase of the project and implementation of signal timing adjustments, if necessary, at the Cedar Street at East Main Street intersection;
- Investigation of minor geometric and signal timing changes at the Dilla Street at Purchase Street intersection as recommended in the Town of Milford 2003 Comprehensive Plan. If found feasible without the need for any Right-of-Way (ROW) acquisition, the Proponent will make the intersection improvements along with signal timing adjustments; and
- A Transportation Demand Management (TDM) Program containing the following elements: transportation coordinator; partnership opportunities with MassRides; transit services; ridesharing services; bicycle and pedestrian connections/amenities; and on-site services to conduct personal business.

Wastewater

- Removal of inflow and infiltration (I/I) from the Milford sanitary sewer system at a rate of 5:1 in a manner consistent with a plan coordinated with the Town of Milford and MassDEP;

To mitigate potential wastewater impacts:

- installation of pump station alarms connected through an auto-dialer to a responder 24-hours a day;
- installation of flow meters that allow for flows to be monitored and recorded;
- installation of double-lined sewer construction within the Zone A;
- water-tightness tests during installation of the wet well; and
- installation of separately wired high water alarms that would alert both office park personnel as well as Milford Water Supply in the event of a problem.


Rare Species

- Implementation of construction period measures to protect rare species resources including installation of a construction work area barrier, “sweeping” the work area in coordination with NHESP to ensure that no Wood Turtles are within the work zone, and documentation and relocation of individuals captured within the work zone in accordance with NHESP requirements. The Proponent will submit a complete construction period protection protocol to NHESP for approval prior to commencement of construction activities; and
- Preparation of a long-term Conservation Plan including the following mitigation measures:
 - Minimization of work within habitat areas;
 - Placement of a Conservation Restriction on 29-acres of habitat;
 - Bridging of the two stream crossings to maximize habitat connectivity;
 - Installation of fencing to prevent wildlife from entering the roadway; and
 - Financial support, estimated at \$44,000, of future conservation measures such as studies and/or land acquisition that will benefit the Wood Turtle, at the direction of NHESP.

I am satisfied that the FEIR adequately assessed potential project impacts and committed to measures that will avoid, minimize and mitigate adverse impacts. I am satisfied that any outstanding issues can be addressed through the state and local permit and review process. The proposed project requires no further review under MEPA and may proceed to state permitting.

November 26, 2008

Date


for Ian A. Bowles

Comments received:

11/10/2008 Massachusetts Historical Commission
11/17/2008 Division of Fisheries and Wildlife – Natural Heritage and Endangered Species
Program
11/19/2008 Executive Office of Transportation
11/20/2008 Massachusetts Department of Environmental Protection – CERO
11/21/2008 Charles River Watershed Association

IAB/HSJ/hsj