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June 11, 2010

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

PROJECT NAME : The Center at Lenox Retail Expansion Project
PROJECT MUNICIPALITY : Lenox
PROJECT WATERSHED : Housatonic
EEA NUMBER : 14332
PROJECT PROPONENT : MEC Lenox Associates, LP. c/o S.R. Weiner and
Associates, Inc.
DATE NOTICED IN MONITOR : May 5, 2010

As Secretary of Energy and Environmental Affairs, I hereby determine that the Final Environmental Impact Report (EIR) submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-621) and with its implementing regulations (301 CMR 11.00). As noted in my Certificate on the Draft EIR (DEIR), dated April 30, 2010, the DEIR responded well to the Scope contained in the Certificate on the Environmental Notification Form (ENF) and there were no substantive issues remaining to be addressed in a Final EIR. Therefore, I reviewed the DEIR as a Final EIR pursuant to the provisions at 11.08(8)(b)(2)(a). A notice was published in the May 5, 2010 *Environmental Monitor* indicating that the DEIR would be reviewed as a Final EIR, and the Final EIR was subject to a 30-day public comment period.

As described in the DEIR/Final EIR (hereinafter referred to as the Final EIR), the Proponent made several changes to the project that dramatically reduced its environmental impacts. These proposed changes resulted in avoidance of a "take" of a state-listed species and a substantial reduction in wetlands impacts compared to the design presented in the ENF. The transportation study was updated in the Final EIR, and the Proponent committed to monitoring and mitigation. In addition, the Final EIR, included a comprehensive Greenhouse Gas (GHG) Emissions analysis and the Proponent committed to mitigation measures that are estimated to

achieve a 32.5 percent reduction in Carbon dioxide (CO₂) emissions from stationary sources. In the DEIR, the Proponent proposed a combined heat and power system to power the proposed grocery store, a significant contributing factor in the overall 35 percent reduction in CO₂ emissions that was estimated for the project. Since the DEIR Certificate was issued, the Proponent conducted additional feasibility analysis, which resulted in elimination of the CHP system. However, the Proponent has committed to additional GHG mitigation measures, as outlined below, which are expected to result in a similar overall reduction in CO₂ emissions associated with the project. I commend the Proponent for making substantial improvements to the project in response to the ENF Certificate and comments received, and for its commitments to avoid, minimize and mitigate environmental impacts associated with the project.

Project Description

The proposed project consists of expansion of an existing retail development on a 36-acre site abutting Routes 7 and 20 in the Town of Lenox. The existing development, totaling 106,139 square feet (sf), includes a restaurant, bank, and two retail buildings, with associated utilities and parking areas, and a fire protection pond. The existing 956-sf bank structure will be demolished. The restaurant and two retail buildings will remain as part of the project with a proposed 20,000 sf expansion to one of the retail buildings. The project also includes construction of a 13,225 sf retail pharmacy, a 50,000 sf retail/grocery building, a 3,000 sf drive-through bank facility, and expansion of the existing fire pond.

The project site includes a wooded wetland system, located to the north of the proposed retail expansion, and areas mapped as priority habitat for two state-listed plant species. The project will result in alteration of 25 sf of Bordering Vegetated Wetlands (BVW), compared with 4,500 sf of alteration as proposed in the ENF. Since the filing of the ENF, the site plan has also been modified to avoid a “take” of state-listed plant species.

Overall, the proposed project includes 191,408 sf of mixed use development (including existing buildings) and 766 parking spaces (includes 83 new spaces). The project will result in alteration of, approximately, an additional 6.71 acres of land including 4.62 acres of new impervious area (for a total alteration of 18.7 acres including 14.98 acres of impervious area). The proposed project will result in 3,610 new vehicle trips per day for a total of 10,656 trips on an average weekday and 4,714 new vehicle trips on an average Saturday for a total of 14,300 vehicle trips on an average Saturday (when combined with the existing development). Water demand for the project is estimated at 5,069 gallons per day (gpd) and wastewater generation is estimated at 4,608 gpd (a combined total of 13,642 gpd and 12,402 gpd respectively, including the existing development). The project will be served by municipal water and sewer system. The existing pond, currently used for fire suppression, will be expanded to provide increased volume needed for the proposed project.

MEPA Jurisdiction and Permitting

The project is undergoing environmental review because it requires a state agency action and exceeds a MEPA review threshold. The project is subject to a mandatory EIR pursuant to 301 CMR 11.03(6)(a)(6) because it will result in generation of 3,000 or more new vehicle trips

per day. The project was also under review pursuant to 301 CMR 11.03(2)(b)(2) because it may have involved a "take" of a state-listed species (at the time of the ENF review).

The project requires a Vehicular Access Permit for access to Route 7/20 from the Massachusetts Department of Transportation (MassDOT). The project requires an Order of Conditions from the Lenox Conservation Commission (and, on appeal only, a Superseding Order from the Massachusetts Department of Environmental Protection (MassDEP)). The project is subject to review under the Massachusetts Endangered Species Act (MESA). The Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP) expects to be able to issue a conditional no-take finding for the project. The project is subject to the requirements of the MEPA Greenhouse Gas (GHG) Emissions Policy and Protocol.

The proponent is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction is limited to those aspects of the project that are within the subject matter of any required or potentially required state permits and that may cause direct or indirect Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to transportation, greenhouse gas emissions, wetlands, rare species, and stormwater.

REVIEW OF THE FINAL EIR

Alternatives

The Scope required an evaluation of alternatives to avoid and minimize impacts to wetlands resources and state-listed species habitat, alternatives to reduce greenhouse gas (GHG) emissions, and an alternative layout with the minimum parking required by the Town of Lenox.

The Final EIR indicates that the Lenox Zoning Bylaw requires 763 spaces for the proposed project. The Proponent's preferred alternative proposes 766 spaces, which is only slightly more than the minimum required by zoning. The Proponent has worked with the NHESP and the Lenox Conservation Commission to redesign the project in order to minimize wetlands impacts and avoid a "take" of state-listed plant species. The building configuration has been modified since the ENF filing to relocate the proposed 20,700 sf building (and reduce it to 20,000 sf) and shift the 50,000 sf retail building and the 3,000 sf bank further east. As a result, BVW impacts have been reduced significantly from 4,500 sf to 25 sf and the preferred alternative will avoid impacts to habitat of the Crooked Stem Aster, a state-listed plant.

The Final EIR also discusses a full-build alternative that would include all of the development proposed in the preferred alternative as well as a 120,000 sf office building in the northwestern portion of the site, which would result in significantly more alteration of land and wetland resources. This alternative was not identified in the ENF and has not been fully evaluated as part of MEPA review because it is my understanding that it does not represent the proponent's preferred alternative. However, it is important to note that a Notice of Project Change (NPC) may be required if the full-build alternative is proposed for development in the future. I refer the Proponent to Section 11.10 of the MEPA regulations, Project Changes and Lapses of Time.

Permitting and Consistency with State, Local and Regional Policies

The Final EIR includes a chapter outlining federal, state, and local permitting and regulatory requirements for the project, and discusses how the project complies with relevant performance standards. The Final EIR also discusses project consistency with regional planning documents including the Regional Plan for the Berkshires (2000) and the Berkshire Regional Transportation Plan (2007) as well as the Commonwealth's Ten Sustainable Development Principles and Executive Order 385, Planning for Growth. This chapter highlights some of the Low Impact Development (LID) and other sustainable design aspects of the project such as redevelopment of an existing site, energy efficiency and GHG reductions, waste management and recycling, native landscaping, and measures to facilitate pedestrian, bus and bicycle access to and from the site.

I note the comments received from the Berkshire Regional Planning Commission (BRPC) regarding the ongoing Route 7/20 Corridor Access Management Plan and I encourage the Proponent to consult with the BRPC and to consider its recommendations regarding direct pedestrian connections to the adjacent Yankee Candle facility and the Yankee Inn.

Rare Species

The Final EIR includes a summary of plant studies conducted and consultations with NHESP regarding state-listed species protection and modifications to the project design. The studies included surveys for Hill's Pondweed (*Potamogeton hillii*) and Intermediate Spike Sedge (*Eleocharis intermedia*), and the Crooked Stem Aster (*Symphyotrichum prenanthoides*). The DEIR indicates that no further investigations for Hill's Pondweed and Intermediate Spike Sedge were required by NHESP. A No-Disturbance Plan and Erosion Control Plan have been developed for the Crooked-Stem Aster and submitted to NHESP. As noted in the comment letter from NHESP, the project as proposed in the Final EIR will avoid a "take" of the Crooked Stem Aster. The Proponent has committed to protection of the state-listed plant during construction and to post-construction monitoring, as well as protection of open space and habitat at the rear of the development parcel, which may also contain habitat for this species.

The proponent is required to submit a formal Massachusetts Endangered Species Act (MESA) filing to NHESP pursuant to 321 CMR 10.00. NHESP indicates in its comment letter that upon receipt of a MESA filing, it expects to be able to issue a conditional no-take finding.

Wetlands and Stormwater Management

At the time of the ENF filing, the project included alteration of 4,500 square feet of Bordering Vegetated Wetlands (BVW). As described in the Final EIR, revisions to the project design resulted in a substantial reduction of impacts to 25 sf of BVW. The Final EIR includes a copy of the Order of Resource Delineation (ORAD) issued by the Lenox Conservation Commission on November 20, 2008 and site plans depicting wetland resource areas, as well as a discussion of the project's consistency with the Wetlands Protection Act (WPA) Performance Standards.

The 25 sf of BVW alteration proposed is associated with removal of the existing 24 inch reinforced concrete fire pond overflow pipe. This alteration will be replicated at a ratio of 2:1 in a forested area immediately downstream, which will utilize the existing nearby intermittent stream as its primary hydrological source. A five-year monitoring program will be implemented to evaluate the success of replication, and an invasive species monitoring plan will be undertaken, with suppression measures as needed. The proposed work in the wetlands Buffer Zone includes: construction of portions of a new building and associated grading and infrastructure; wetlands mitigation; fencing and native plantings as measures for state-listed plant protection; expansion of existing fire pond; and elements of the stormwater management system.

The Proponent has submitted a Notice of Intent (NOI) to the Lenox Conservation Commission. MassDEP has submitted comments on the NOI to the Commission and indicates in its comment letter on the DEIR that there are no MassDEP Permits pending for the project.

The Final EIR includes a drainage analysis and proposed stormwater management plan, with a discussion of the project's consistency with the MassDEP Stormwater Management Regulations. The Final EIR proposes discharge of treated stormwater to naturally occurring wetlands on and in the vicinity of the site. The proposed best management practices for stormwater management include a sediment forebay, extended detention basin with low flow channels, two infiltration systems, a wet pond, stormwater treatment devices and drainage swales. Vegetative plantings are proposed in disturbed areas and upland buffer zones. The infiltration systems proposed will direct stormwater to the subsurface, which as noted in the Final EIR, is subject to the jurisdiction of the MassDEP Underground Injection Control (UIC) Program. The Final EIR notes that the Proponent will register with the MassDEP UIC Program as required. The Proponent should consider BRPC comments in refining its Stormwater Operations and Maintenance (O&M) Plan.

Transportation

MassDOT indicates in its comment letter that the traffic study provided in the ENF generally conforms to the EEA/EOT Guidelines for EIR/EIS Traffic Impact Assessments. The Final EIR includes an updated traffic study with additional analyses of the no-build and build conditions for the design year 2015 and revised mitigation commitments. The Final EIR estimates that the proposed project will generate 3,600 new vehicle trips on an average weekday (accounting for pass-by trips at a rate of 25 percent). The total trip generation for the project is estimated at 10,660 vehicle trips per day on an average weekday.

The ENF had proposed traffic mitigation measures, including recommendations for traffic signal timing and coordination modifications, which the Final EIR indicates are not necessary now based on the Proponent's consultations with MassDOT. The project will no longer include a "Red Signal Ahead" message sign on Route 7/20 southbound approaching Dan Fox Drive. The Final EIR indicates that, based on consultations with MassDOT, sufficient sight distance exists at this location that an advance warning sign is not necessary. In addition, the Final EIR notes that MassDOT recently installed an additional signal head at the Route 7/20 and Holmes Road intersection to improve the operation of the permitted southbound left-turn movement and has indicated that a protected southbound left-turn phase should not be provided

at this time. The Proponent has committed to monitor traffic along Route 7/20 two years after build-out as recommended by MassDOT. The monitoring results will be used to determine what signal modifications may be needed in the future. The Proponent will also conduct annual monitoring of traffic entering and exiting the site for a five-year period following occupancy.

In its comment letter, MassDOT notes that the capacity analysis included in the study indicates that most intersections within the study area would operate at an acceptable level of service in the future build project scenario. To ensure the accuracy of this projection, the Proponent has committed to weekday PM and Saturday mid-day peak hour traffic counts two years after full build-out of the site at the Route 7/20 intersections with Dan Fox Drive, the North Site driveway, the Main Site Driveway/Holmeswood Terrace, Holmes Road, and New Lenox Road. The Proponent will make signal timing adjustments and coordinate the signal system along Route 7/20 as requested by MassDOT. When making these adjustments, the Proponent should adhere to the 2009 MUTCD guidelines and use a maximum walk speed of 3.5 feet per second as recommended by MassDOT in its comment letter.

The Proponent has committed to several Transportation Demand Management (TDM) measures to reduce single-occupant vehicle traffic to and from the site. MassDOT indicates in its comment letter that the proposed TDM program is consistent with the land use proposed and the limitations of the site. The project will include an on-site bus stop to accommodate the Berkshire Regional Transit Authority (BRTA) Bus Route 2-16. The Final EIR includes a site plan showing the proposed bus-stop and circulation through the site. The Proponent will advertize the bus route by posting schedules and encouraging tenants and their employees to use the public transit service. I encourage the Proponent to consult with the BRTA regarding the optimal design for on-site bus circulation as recommended by BRPC in its comment letter.

In order to support pedestrian access, the Project will include sidewalks to link all buildings on the project site and to connect with existing sidewalks on Route 7/20. In response to comments on the ENF, the Proponent has added a second sidewalk to the south side of the project driveway where it connects with a crosswalk across Route 7/20.

Other TDM measures proposed in the Final EIR include high security bicycle racks and measures to encourage tenants to offer direct deposit of employee paychecks, carpooling and vanpooling programs, and set up a monthly Ridesharing Bulletin Board. Truck deliveries and service vehicles will be scheduled at off-peak hours to the extent feasible to avoid interference with pedestrian and bicycles, and reduce peak-hour traffic. The Proponent will also promote monthly drawings for transportation-related items as an incentive for carpooling. The Final EIR indicates that the Proponent is committed to the program's success and will continue to work to implement and fine-tune a comprehensive TDM program for the site. MassDEP, in its comment letter, supports the package of TDM measures proposed in the DEIR and suggests that the Proponent also develop a communication and outreach program that will motivate employees to request their employers to participate in the TDM program. As recommended by MassDOT, the Proponent should designate an on-site transportation coordinator and consult with MassRides, the Commonwealth's travel options service. The Proponent will be required to report figures on participation in the TDM program to MassDOT as part of the Transportation Monitoring Program.

MassDOT, in its comment letter, notes that the transportation study has addressed most of the comments raised during the ENF review and demonstrated that the existing infrastructure would accommodate the project's impacts along the Route 7/20 corridor. MassDOT's comment letter on the DEIR noted that it did not object to the Proponent's request that the DEIR be considered as a Final EIR. The Proponent should submit a letter of commitment to implement mitigation measures, as requested by MassDOT in its comment letter. This commitment letter will be used by MassDOT as the basis for its Section 61 Finding for the project. I remind the Proponent that this letter should also include a commitment to self-certification for GHG emission reductions as further detailed in the GHG section below.

Greenhouse Gas Emissions

The Final EIR includes a comprehensive GHG emissions analysis that is well organized and supported by detailed information on modeling inputs and other components of the analyses for baseline and build conditions with mitigation. The Proponent has evaluated a broad range of GHG mitigation options including Combined Heat and Power (CHP) and Solar Photovoltaic (PV) systems, as well as energy-saving measures for existing and new buildings, and has committed to a project that is estimated to achieve a substantial 32.5 percent reduction in stationary source GHG emissions compared with the baseline case. I commend the Proponent for its efforts in preparing the GHG analysis and in committing to code-compliant upgrades for existing buildings, closed refrigeration cases for the proposed new grocery/retail building, and an Energy Conservation Fund and other measures to promote energy-saving GHG emission reduction measures among tenants of the project.

During the Final EIR review period, as a condition of the DEIR Certificate and roll-over decision, I required that the Proponent respond to the comments submitted by the Department of Energy Resources (DOER) to address its remaining comments and recommendations on the Proponent's GHG Emissions analysis and proposed mitigation. DOER identified several areas in which additional efficiencies could be achieved and requested some clarifications and additional information pertaining to the GHG analysis. The Proponent submitted a Response to Comments on the Draft EIR, dated June 3, 2010.

Proponent's Response to DOER Comments on the DEIR

In its Response to Comments, the Proponent has committed to upgrading the Heating, Ventilating, and Air-Conditioning (HVAC) systems in the existing 42,005-square foot (sf) building to provide code-compliant systems after this building is vacated. The Proponent will also remove the existing refrigeration system for the Price Chopper supermarket (currently installed in the 42,005-sf building).

The Proponent revised the financial evaluation of a PV system as recommended by DOER and included the analysis in its Response to Comments. The Proponent determined the PV system to be financially infeasible at this time.

As described in the Response to Comments, the CHP system previously proposed included a 200kW microturbine and a 200kW fuel cell system, which is no longer available from

the manufacturer. The analysis was therefore revised to include a 400kW microturbine and fuel cell system. The prospective tenant of the grocery store has installed similar systems at other locations and, based on its financial analysis, the payback period is estimated to be twice the length that is acceptable. Therefore, a CHP system for the grocery store is no longer being proposed and the GHG emissions analysis has been revised accordingly in the Proponent's Response to Comments. As outlined below, the Proponent has committed to additional energy-saving mitigation measures to achieve a similar percentage reduction in project-related CO₂ emissions as was proposed in the DEIR.

Stationary Source Emissions

The Project Baseline Condition assumes that proposed new buildings will be constructed to the current Massachusetts Building Code, the International Energy Conservation Code (IECC) with the 2007 Supplement, the American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE) 90.1-2007 with the 2008 Supplement. The Project Mitigated Condition includes upgrades to bring existing buildings into compliance with the current energy code. Based on the revised analysis submitted during FEIR review period, the Proponent estimates that the project will generate approximately 2,085 tons per year of CO₂ from stationary sources, compared with 3,089 tons per year of CO₂ in the Base Case. This represents an approximately 32.5 percent reduction in GHG emissions for the project. The closed refrigeration cases proposed for the retail grocery building are expected to contribute significantly towards this reduction. This measure alone is estimated to reduce the grocery store's electricity use and GHG emissions by 19.9 percent and 17.6 percent respectively. The refrigeration cases will be equipped with Light-Emitting Diode (LED) lighting on dimmer controls and proximity sensors, and are expected to reduce electricity use for refrigeration by 35 percent. The design of the refrigeration cases also incorporates a thermal barrier film on glass doors to reduce heat gain as well as improved control over the energy required to reduce moisture build-up. I commend the Proponent for committing to the closed refrigeration cases, which are not yet a standard feature in supermarkets.

The Proponent has committed to other design measures such as cool roof design, daylighting, efficient interior and exterior lighting, increased insulation, water-conserving plumbing fixtures, and refrigeration waste heat recovery to further reduce GHG emissions. The Proponent expects to achieve additional CO₂ emission reductions that are not easily quantified as a result of the proposed building commissioning, Energy Management Systems for the retail/grocery and retail/pharmacy buildings, and use of low-emissions building materials. The Proponent is seeking Leadership in Energy and Environmental Design (LEED) certification for the project and expects to qualify for a LEED Silver rating.

The Proponent has committed to establishing an Energy Conservation Fund that will include \$10,000 available to tenants on a first-come, first-served basis. To avail themselves of the funds, tenants will be required to conduct an independent energy audit of their leased premises, based on which the Proponent and tenant will prioritize measures to be implemented. The Proponent will reimburse tenants for 50 percent of the cost incurred for these energy conservation measures. In addition, the Proponent will implement measures such as roofing and

other building system upgrades, in accordance with code requirements, when these systems have reached the end of their useful life.

The BRPC, in its comment letter, notes that the Town of Lenox is considering adopting the Massachusetts Stretch Energy Code and recommends that the Proponent consult with the Lenox Building Inspector to discuss any additional energy conservation measures that may be required for the project.

Combined Heat and Power (CHP)

As noted above, the project as proposed in the Final EIR does not include a commitment to a CHP system. However, the Proponent will evaluate a CHP system based on a standard gas-fueled internal combustion generator set as recommended by DOER. Such a system could help achieve further significant reductions in the project's energy use and related GHG emissions.

Solar Photovoltaics (PV)

The Final EIR includes an evaluation of the feasibility of installing a solar PV system. The Proponent considered providing an on-site PV system, hosting a third party system, and designing buildings for future PV systems. The Final EIR concludes that, given the age and roof structure of existing buildings, the proposed new 50,000 sf retail/grocery building would be most suited to solar PV. Based on the analysis conducted, the Final EIR also concludes that solar is economically infeasible at present due to the long payback period and the additional cost of structural improvements required to support PV. The Proponent is willing to consider hosting a third party operator in the future if the economic obstacles can be overcome.

Mobile Source Emissions

As described in the Final EIR, the Mobile 6.2 analysis software was used to estimate potential GHG emissions associated with mobile sources based on annual Vehicle Miles Travelled (VMT) for the project. The Final EIR includes a meso-scale analysis with GHG emission estimates for CO₂, Nitrogen oxides (NO_x) and Volatile Organic Compounds (VOC). Based on the analysis in the Final EIR, CO₂ emissions are expected to increase from 1,204 tons per year (2009) to 1,499 tons per year in the 2014 build with mitigation condition. The Proponent has committed to a range of TDM measures, as noted above in the Transportation section, which are expected to achieve an approximately two percent reduction in project-related VMT on the study area roadways.

Materials Management

In addition to the analysis for stationary sources required by the MEPA GHG Policy and Protocol, the Final EIR includes a voluntary analysis of CO₂ emissions related to waste generation and recycling in response to the Certificate on the ENF and MassDEP comments. The Proponent has committed to actively support the reprocessing and recycling of waste generated during the construction and operation of the project.

The Final EIR includes estimates, based on U.S. Environmental Protection Agency (EPA) and Energy Information Administration (EIA) data, of the amount of waste to be generated from non-residential construction and the corresponding estimates for GHG reductions associated with waste recycling. The Final EIR indicates that for each ton of waste recycled (instead of transported to a landfill) GHG reductions correspond to approximately 3.27 tons of CO₂ equivalents. The Final EIR estimates that the proposed retail expansion would generate approximately 187 tons of construction material waste, corresponding to 611 tons of CO₂ that could be reduced through recycling. The Final EIR proposes to reduce emissions associated with materials use by encouraging contractors to source materials locally, thus cutting down on transportation emissions. The Proponent will also implement a Waste Management Plan for optimized use of materials. Contractor drawings and specifications will include recycling requirements for construction materials. All buildings (post-development) will have locations designated for separation, collection and storage of recyclables.

The Final EIR estimates that the project's municipal waste generation would produce between 2,860 and 4,580 tons of CO₂ annually (based on an average of 2.5 to 4 pounds of waste per 100 square feet per day for shopping centers and grocery stores). I encourage the Proponent to work with tenants to promote source reduction and recycling and to consult with MassDEP for guidance on this issue.

Self-Certification for GHG Mitigation

Upon completion of construction of the project, the Proponent should provide a certification to the MEPA Office signed by an appropriate professional (e.g. engineer, architect, general contractor) indicating that all of the GHG mitigation measures, or equivalent measures that are designed to collectively achieve the 32.5 percent stationary source GHG emission reduction committed to in the Final EIR, have been incorporated into the project. The certification should be supported by as-built plans. For those measures that are operational in nature (i.e. TDM, recycling, use of Energy Star-rated equipment), the Proponent should provide an updated plan identifying the measures, the schedule for implementation, and how progress toward implementing these measures will be achieved. MassDOT should incorporate this self-certification requirement into its Section 61 Finding for the project.

Mitigation and Section 61 Findings

The Proponent has committed to a range of measures to avoid and minimize or mitigate environmental impacts. These measures include:

- *Wetlands*: replication at a rate of 2:1 and a 5-year monitoring plan;
- Stormwater: Low Impact Development and Best Management Practices for stormwater control and recharge on and near the project site.
- *Rare Species*: fencing and native plantings for state-listed plant protection (Priority Habitat areas will be avoided);

- *Transportation*: traffic monitoring along Route 7/20 two years after occupancy; annual monitoring for five years after occupancy; bus stop and circulation on-site; and a comprehensive Transportation Demand Management (TDM) program.
- *GHG*: closed dairy and other refrigeration cases for the retail grocery building; upgrades for existing buildings to achieve compliance with the current energy code; skylighting, efficient interior and exterior lighting; enhanced insulation; LEED certified/certifiable building; TDM measures; and an Energy Conservation Fund for tenants. Other measures proposed to reduce energy use and achieve LEED certification include: high-albedo roof surfaces; xeriscape landscaping; enhanced building commissioning; space heat recovery from refrigeration systems; low Volatile Organic Compound (VOC) materials for carpeting, paint, sealants, and wood-composite materials; recycled construction materials; and a waste management/compost system.

As noted above, the GHG self-certification requirement should be incorporated into the Section 61 Findings for the project. MassDOT should forward a copy of the final Section 61 Finding to the MEPA Office for the project record.

I encourage the Proponent in its effort to further investigate ventilation heat recovery systems, increased daylighting, CHP systems, and other energy-saving measures as the project design moves forward. The DOER offers its assistance in working with the project team to further define the feasibility of these and other potential mitigation measures.

Conclusion

Based on review of the Final EIR and comment letters received, and consultation with relevant state agencies, I find that the Final EIR has adequately assessed potential impacts and committed to measures to avoid, minimize and mitigate environmental impacts. I am satisfied that any outstanding issues can be addressed through the state and local permit and review process.

June 11, 2010



for Ian A. Bowles
Secretary

Comments Received on the FEIR:

6/03/10 Response to Comments on the DEIR (Technical Memorandum from GPI
on behalf of the Proponent)
6/08/10 Department of Energy Resources

Comments Received on the DEIR:

4/05/10 Division of Fisheries and Wildlife, Natural Heritage and Endangered Species
Program
4/13/10 Berkshire Regional Planning Commission
4/22/10 Department of Environmental Protection, Western Regional Office
4/23/10 Department of Environmental Protection, Boston Office
4/26/10 Department of Transportation
4/27/10 Department of Energy Resources

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