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January 29, 2010

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

PROJECT NAME : Myles Standish Industrial Park Expansion and
Life Science Center
PROJECT MUNICIPALITY : Taunton
PROJECT WATERSHED : Taunton
EOEA NUMBER : 14527
PROJECT PROPONENT : Taunton Development Corporation
DATE NOTICED IN MONITOR : December 23, 2009

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (G. L. c. 30, ss. 61-62I) and Sections 11.06 and 11.11 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **requires** the preparation of an Environmental Impact Report (EIR). In a separate Draft Record of Decision (DROD) also issued today, I propose granting a Phase I Waiver to allow a portion of the project to proceed to state permitting prior to completion of the EIR for the entire project. The DROD will be noticed in the February 10, 2010 issue of the *Environmental Monitor* for a 14-day public comment period. Within seven days of the close of comments, I shall reconsider, modify, or confirm the waiver in a Final Record of Decision.

Project Description

As described in the Expanded Environmental Notification Form (EENF), the project consists of the phased (Phase I and Full Build) redevelopment of a 220-acre segment of the former Paul A. Dever State School, owned by the Commonwealth, to expand the existing Myles Standish Industrial Park (MSIP) and construct a new Life Science Center in Taunton. The school was operated by the Massachusetts Department of Mental Retardation (DMR), now called the Department of Developmental Services (DDS), until the facility was closed in 2002. The entire 220-acre site is state surplus land to be sold by the Department of Capital Asset Management (DCAM) to the Proponent. The site includes about 45 structures previously used to support the facility that are in varying degrees of deterioration, a network of paved roadways and pathways, parking lots, and vegetation comprised of lawn and small forested areas.

Approximately 145 acres will be utilized for the expansion of the MSIP and the remaining 75 acres will be dedicated to the development of the Life Science Center. The proposed project consists of approximately 24 building lots and 1.8 miles of roadway. Phase I of the project includes 250,000 square feet (sf) of commercial/industrial space and 650,000 sf of life science center space. The Full Build involves the additional construction of approximately 1,040,000 sf of industrial park buildings on the site for a total of 1,940,000 sf. Access to the site would be provided by three driveways off Constitution Drive, John Hancock Road and Bay Street. The project includes the construction of buildings, access driveways and internal roadways, related utilities and stormwater management infrastructure, grading, a recreational trail and landscaping. The project site is located within the Canoe River Aquifer Area of Critical Environmental Concern (ACEC) and Zone II Aquifer Protection District. The proposed project abuts Lake Sabbatia, Watson Pond and Watson Pond State Park.

Anticipated environmental impacts associated with the entire project include approximately 90 acres of land alteration, 46 acres of new impervious area, 10,300 new average daily trips (adt), 2,200 new parking spaces, and approximately 145,500 gallons per day (GPD) of new water usage and wastewater generation. The project also includes the construction of approximately 1.8 miles of new water and sewer mains within proposed on-site roadways. Wetlands impacts associated with the project may include alteration of Buffer Zone. The project also involves the demolition of inventoried historic and/or archaeological resources.

MEPA Jurisdiction and Required Permits

The project is undergoing review and requires the preparation of a mandatory EIR pursuant to Sections 11.03(1)(a)(1), 11.03(1)(a)(2), 11.03(6)(a)(6), and 11.03(6)(a)(7) of the MEPA regulations because it requires a State Agency Action and it will result in the direct alteration of 50 or more acres of land, the creation of ten or more acres of impervious area, the generation of 3,000 or more new adt on roadways providing access to a single location, and the construction of 1,000 or more new parking spaces at a single location. The project is also undergoing MEPA review pursuant to Sections 11.03(5)(b)(3)(c), 11.03(5)(b)(4)(a), 11.03(6)(b)(1)(a), 11.03(10)(b)(1), and 11.03(11)(b) because it involves the construction of one or more new sewer mains one-half or more miles in length, new discharge to a sewer system of 100,000 or more GPD of sewage, the construction of a new roadway one-quarter or more miles in length, the demolition of a Historic Structure listed in or located in any Historic District listed in the State Register of Historic Places or the Inventory of Historic and Archaeological Assets of the Commonwealth, and it is located within a designated ACEC. The Proponent will receive \$5 million in state funding for construction of the Life Science Center per state legislation (Chapter 130 of the Acts of 2008).

The project (Phase I and Full Build) requires: an Order of Conditions (OOC) from the Taunton Conservation Commission (and on appeal only, a Superseding Order of Conditions (SOC) from the Massachusetts Department of Environmental Protection (MassDEP)); a Sewer Extension Permit from MassDEP; a Section 106 review by the Massachusetts Historical Commission (MHC); an Access Permit from the Massachusetts Department of Transportation (MassDOT); a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the United States Environmental Protection Agency (US EPA); and consultation and coordination with Indian Tribal Governments pursuant to Executive Order 13175. The project is subject to the EEA/MEPA Greenhouse Gas Emissions Policy and Protocol.

Because the Proponent is seeking financial assistance from the Commonwealth for the project and it involves a Land Transfer from the Division of Capital Asset Management (DCAM), MEPA jurisdiction is broad and extends to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment as defined in the MEPA regulations.

Request for Phase I Waiver

The Proponent has requested a Waiver to allow Phase I of the project to proceed with the development of up to 250,000 sf of office/industrial park buildings on non-contiguous areas prior to the submission of the Single EIR.

Based on a review of the EENF, consultation with state agencies and review of comment letters, I propose to grant a Phase I Waiver for this project. This decision is detailed in the DROD, also issued today, which will be published in the next issue of the Environmental Monitor for a fourteen-day comment period, after which I shall reconsider, modify or confirm the waiver.

SCOPE

General

The Proponent should prepare the Draft EIR (DEIR) in accordance with the general guidance for outline and content found in Section 11.07 of the MEPA regulations, as modified by this Scope. The DEIR should include maps and plans at a reasonable scale, a project summary and schedule, impacts and mitigation associated with each phase of the project, a list of all permits required or potentially required, a description of any changes to the project since the filing of the EENF and a cost estimate for the project.

The Proponent should use the DEIR as a tool to ensure appropriate planning for the Full Build of the site, analyze cumulative impacts, and provide an understanding of background conditions and resources present on the site.

Project Description

The DEIR should include a thorough description of the entire project and all project elements and construction phases, including Phase I, in clear non-technical language. The DEIR should clearly describe any changes to the project since the filing of the EENF. The DEIR should include an existing conditions plan that clearly locates and delineates project elements, existing or proposed water supply resources, wetland resource areas, conservation areas (including state parks), adjacent land uses, any priority and estimated rare species habitat in the project area, ACECs and aquifer protection districts on and adjacent to the project site. The DEIR should include a proposed conditions plan (or plans) illustrating proposed elevations, structures, access roads, stormwater management systems, and utility connections associated with each phase of the project. The DEIR should include an overlay of the proposed project in the context of sensitive resources on, and in the vicinity of, the project site to facilitate review and assessment of potential impacts. The DEIR should also include a site circulation plan illustrating how motor vehicles, pedestrians and cyclists will be accommodated on the site for each phase of the project. The site circulation plan should delineate paths and connections to and along existing open

space, transportation infrastructure, and other locations. Plans must be provided for the entire site at a reasonable scale (e.g. 40 or 60 scale).

Permitting and Consistency

The DEIR should briefly describe each Federal, State and local permit or agency action required or potentially required for each phase of the project, and should demonstrate that the project meets applicable performance standards. The DEIR should contain sufficient information to allow the permitting agencies to understand the environmental consequences related to the project. In accordance with section 11.01(3)(a) of the MEPA regulations, the DEIR should discuss the consistency of the project with any applicable local or regional land use plans. The DEIR should also address the project's consistency with the Office for Commonwealth Development's Ten Sustainable Development Principles and Executive Order 385 (Planning for Growth), and with local and regional planning.

Alternatives Analysis

The Proponent has considered four alternatives to the proposed project. The first alternative to the project is a No Build Alternative. The second, third and fourth alternatives are conceptual designs for the Full Build. The three conceptual alternatives all have similar environmental impacts associated with them, including land clearing requirements, traffic generation, and wetlands (Buffer Zone only) impacts. The Proponent has indicated that the alternative ultimately selected will be market-driven (based on the preferences of buyers). Most of the variation among the alternatives occurs within the Phase I area; the general layout for the Full Build is similar for all three. The Proponent intends to submit the DEIR following the implementation of the Phase I part of the project and the DEIR will incorporate the actual Phase I impacts into the overall assessment.

Under the No Build Alternative, the project site would be retained by DCAM and no redevelopment would occur at the site. The site would remain in its natural state. The existing structures on the project site would continue to deteriorate. The No Build Scenario would not include any impacts to the environment and would not require any permits from federal, state, regional, or local agencies.

The DEIR should include an evaluation of all feasible alternatives, including any alternatives that have been previously explored, and describe how the Preferred Alternative will avoid, minimize and mitigate environmental impacts to the maximum extent feasible. The alternatives analysis should include a clear comparison (quantified to the extent feasible) of the impacts of each alternative and its project components (including but not limited to acres of land alteration, impervious area, wetlands, water use and wastewater generation, traffic and parking). The DEIR should provide a rationale to explain why certain alternatives are selected and others ruled out for further consideration.

The DEIR must expand upon the Preferred Alternative to explore ways to further avoid, minimize or mitigate Damage to the Environment as defined in the MEPA regulations including, but not limited to:

- A No-Build Alternative;
- An Alternative that proposes a clustered design of building lots, resulting in less

impervious area;

- An Alternative that rehabilitates more Historic Structures listed on the *Inventory of Historic and Archaeological Assets of the Commonwealth*; and
- A Preferred Alternative, if different from the alternatives required above.

I expect the DEIR to fully evaluate all feasible alternatives including more concentrated site designs. The alternatives analysis should include an alternative that concentrates development in core areas, leaving larger blocks of contiguous undeveloped land. I expect the DEIR to evaluate alternative project designs that will enhance open space and wildlife corridors, and maximize protection of sensitive resources and buffer areas. The DEIR should discuss alternative building and roadway configurations on the site that might result in fewer impacts, particularly on land alteration, impervious area, traffic and parking. The alternatives analysis should identify opportunities to minimize impervious area from roadways, parking and other structures. The DEIR should also consider utilizing stormwater and wastewater for irrigation as alternatives to additional water usage.

It is possible that, subsequent to the completion of the alternatives analysis, the Preferred Alternative could be modified in comparison to that presented in the EENF. The alternatives analysis may go beyond the alternatives requested above and include previously discarded conceptual design plans to support the proponent's conclusion that the Preferred Alternative avoids, minimizes, and mitigates damage to the environment. The DEIR should identify the impacts for each of the alternatives on land alteration (including impervious area), traffic generation, parking, wetlands, drainage, historic/archaeological resources, water supply and wastewater in a tabular format. This table, along with a supporting narrative and conceptual site plans, should provide a comparative analysis that clearly shows the differences between the environmental impacts associated with each of the alternatives.

The DEIR should assess the cumulative impacts of the project, including potential impacts to resources pursuant to 301 CMR 11.07(6)(h). As noted elsewhere in this Certificate, I strongly encourage the Proponent to incorporate commitments to green building and other sustainable design elements in the DEIR that will minimize long-term cumulative impacts associated with the project. The DEIR will require the Proponent to investigate reductions in GHG emissions that may be realized through site design, operations, and building construction, and which may result in revisions to the Preferred Alternative. The DEIR should evaluate all measures to increase the long-term sustainability and energy efficiency of the site. Because the project is at a conceptual design stage, there are ample opportunities to incorporate renewable energy technology, energy efficiency and Low Impact Development (LID) techniques into the site design and building design. I strongly encourage the Proponent to develop an alternative that includes a commitment to renewable energy technology (e.g solar, fuel cells, and geothermal). I encourage the Proponent to consult with EEA staff regarding the development of a sustainable design strategy for the project.

LID techniques incorporate stormwater best management practices (BMPs) and can reduce impacts to land and water resources by conserving natural systems and hydrologic functions. The primary tools of LID are landscaping features and naturally vegetated areas, which encourage detention, infiltration and filtration of stormwater on-site. Other tools include water conservation and use of pervious surfaces. Clustering of buildings is an example of how LID can preserve open space and minimize land disturbance.

Land Use and Alteration

The DEIR should quantify the total amount of alteration associated with the proposed project (including areas to be altered for buildings, roadways, wastewater, water and stormwater infrastructure, lawns and landscaping, and other project components). The DEIR should include a breakdown showing the amount of alteration for different project elements. The DEIR should clarify the location, type and amount of alteration in previously undisturbed areas. The DEIR should include site plans that clearly locate and delineate areas proposed for development and areas to be left undisturbed.

Open Space

As described in the EENF, the Proponent has committed to set aside four segments on the outer edges of the project site as open space. The Phase I design will create 11.4 acres of open space in the northern area of the site to add more buffer area to Watson Pond State Park. The DEIR should calculate the remaining areas of open space. The DEIR should clarify how much of the area proposed as open space will remain undisturbed and provide additional information on what types of land (i.e. upland, wetlands) will be protected as open space. The DEIR should clarify activities that will be allowed within open space areas, discuss public access provisions and management plans, and potential impacts associated with different uses. The DEIR should include a site plan that delineates which areas of the site are proposed to remain as open space following project completion, and it should disaggregate landscaped open space and undisturbed open space. Site plans should clearly identify different open space areas and their proposed uses.

The DEIR should provide more information on the details of the long-term preservation of the site's open space. I strongly encourage the Proponent to consider placing the proposed open space area located within the project site under a Conservation Restriction (CR) to ensure its permanent protection. The DEIR should include information on mechanisms proposed to ensure permanent protection of open space, identify areas proposed for CR and include drafts of any CR proposed. The DEIR should address the Department of Conservation and Recreation's (DCR) comments regarding the planned extension of an existing walking path to provide opportunities for passive recreation and linkage to Watson Pond State Park. The Proponent should consult with DCR regarding trail connections.

Wetlands

The project will require separate OOCs from the Taunton Conservation Commission for alteration of Buffer Zone for Phase I and the Full Build of the project. I note that the WPA requires an alternatives analysis that considers practicable alternatives to avoid, minimize, and mitigate impacts to wetlands resource areas. This information should be presented in the DEIR. The Proponent must file a Notice of Intent (NOI) with the Taunton Conservation Commission for any work in wetland resource areas prior to the commencement of any activity on the site.

All resource area boundaries, riverfront areas, applicable buffer zones, 100-year flood elevations, 500-year floodplains, vernal pools (both certified and potential), and public and private wellhead protection areas located on and adjacent to the project site should be clearly delineated on a plan at a scale of not greater than one inch = 200 feet. Wetlands resource areas 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 DEIR should include an update on the status of potential impacts to wetland areas regulated under the WPA and discuss any compensation or mitigation required. The proposed development plan should be superimposed on a plan with existing conditions to facilitate review and assessment. For each of the alternatives, proposed areas of wetlands impact and replication areas should be identified on site plans, and described and quantified. The text should explain whether the local conservation commission has accepted the resource area boundaries and any disputed boundary should be identified. The DEIR should discuss the potential impacts to wetland resource areas from proposed activities including interim and permanent construction activities, construction mitigation, erosion and sedimentation control, phased construction, and stormwater drainage discharges or overland flows into wetland areas. The DEIR should identify construction period mitigation to limit impacts to wetland resource areas.

The locations of existing and proposed detention basins and their distances from wetland resource areas, and the expected water quality of the effluent from these basins should be evaluated. The DEIR must also address the current and expected post-construction water quality of the predicted final receiving water bodies and demonstrate compliance with applicable water quality regulations or guidelines. Sufficient mitigation measures must be incorporated to ensure that no downstream impacts will occur. The drainage analysis must ensure that on- and off-site wetlands are not impacted by changes in stormwater runoff patterns. The DEIR should specifically address the impact, if any, to the removal or placement of stormwater outfalls within resource areas. The DEIR should clarify what portions of the project may result in the permanent alteration of wetland resource areas versus temporary impacts to facilitate roadway construction.

The Commonwealth has endorsed a “No Net Loss Policy” that requires that all feasible means to avoid and reduce the extent of wetland alteration be considered and implemented. The DEIR should examine alternatives that avoid impacts to wetland resource areas, their associated buffer zones, riverfront protection areas and 100-year flood plain areas. Where it has been demonstrated that impacts are unavoidable, the DEIR should demonstrate that impacts will be minimized, and that the project will be accomplished in a manner that is consistent with the Performance Standards of the Wetlands Regulations.

The DEIR must identify the Proponent’s plans for wetland restoration within the project area. For any amount of required wetlands replication (specifically BVW, Land Under Water, and Bank), a detailed wetlands replication plan should be provided in the DEIR which, at a minimum, includes: replication location(s) delineated on plans at a scale no greater than one inch = 100 feet, elevations, typical cross- sections, test pits or soil boring logs, groundwater elevations, the hydrology of areas to be altered and replicated, lists 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.

Stormwater and Drainage

The DEIR should evaluate stormwater runoff impacts during both the construction and post-construction periods. The DEIR should provide a detailed description of the proposed stormwater management system. The DEIR should indicate if the new system will tie in to existing lines or if one or more new outfalls will be created. The DEIR must demonstrate that source controls, pollution prevention measures, erosion and sediment controls, and the post-development drainage system will be designed in compliance with the MassDEP Stormwater Management regulations, to the maximum extent practicable. The DEIR should include stormwater calculations, stormwater system design plans at a readable scale, BMP designs, and

additional supporting data to demonstrate conformance with each of the Stormwater Management Policy (SMP) standards, as applicable for redevelopment and new development projects. As recommended by MassDEP, the DEIR must demonstrate compliance to the maximum extent practicable per 310 CMR 10.05(6)(m) for some portions of the project and full compliance where there is an increase in impervious area. In addition, the DEIR should contain a description and calculation of peak flow and estimated water quality characteristics of discharge from a point source (both closed and open channel) that is outside the jurisdiction of the Wetlands Protection Act when the point of discharge falls within a wetland resource area or within the Buffer Zone.

The DEIR 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 system should control storm flows at existing levels. The Proponent should recharge roof runoff and other treated stormwater runoff from paved 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 City of Taunton's stormwater system, the DEIR should clarify the permits required from the City. The DEIR should clarify if there will be a recharge deficit on-site. If subsurface infiltration is proposed, the DEIR should demonstrate that soils and groundwater conditions are suitable for such discharges.

The project site is located within the Canoe River Aquifer ACEC, the Zone II area of public drinking water supplies, and is adjacent to Watson Pond and the Watson Pond State Park. The DEIR's stormwater management should aim to maximize infiltration, slow runoff from the site, maximize the use of vegetation, capture rooftop runoff for irrigation, and minimize sediment and nutrient loading downstream. The DEIR should include clear commitments to ensure effective long-term operation and maintenance of the stormwater system, and clarify long-term ownership and maintenance responsibilities. The DEIR should evaluate the use of LID features and incorporate them into the stormwater management system to the maximum extent feasible. The DEIR should include a pre and post-construction drainage analysis. The DEIR should discuss how proposed changes in site drainage may impact hydrology and water quality of local river systems, public water supplies, vernal pools and other wetlands resources on and adjacent to the site. The DEIR should describe how the stormwater management system will avoid and minimize adverse impacts associated with the proposed addition of 46 acres of impervious area. The DEIR should include site plans that locate proposed BMPs for stormwater management and a discussion of Total Suspended Solids (TSS) removal for the final design. As recommended by DCR, the DEIR should discuss snow and ice management, the use of native species for revegetation of the site, and alternatives to hay bales for erosion control to avoid the introduction of invasive species.

Water Supply

According to the EENF, the daily water use for the proposed project is approximately 145,500 GPD, including 18,750 GPD of water used for Phase I. Water is supplied to the site from three water supply wells (Dever Wells) situated to the north of the project site. The wells, which operate under a twenty-year withdrawal permit obtained in 1991 from MassDEP, are in the process of being turned over to the Taunton Water Department (EEA #14058). The DEIR should discuss the impact of the proposed water demand on the current water supply, especially during peak demand periods. The DEIR should also confirm that sufficient capacity is available from the Dever wells to accommodate the new project flows and identify upgrades, if necessary. The DEIR should include a detailed estimation of water demand

for the project, including an estimation of the outdoor water use (lawn watering, etc.) demand. This estimation of outdoor water use should include the estimated volumes of outdoor water to be provided by the Dever well system vs. outdoor water to be provided by alternative sources (e.g., stormwater collection, on-site irrigation wells, etc.). The DEIR should detail the water conservation measures to be implemented for the project such as low flow toilets or faucets, and steps taken by the Proponent to meet the applicable 2006 *Massachusetts Water Conservation Standards*, which can be accessed at:

http://www.mass.gov/envIRON/mwrc/pdf/Conservation_Standards.pdf

Wastewater

As described in the EENF, the project will generate 145,500 GPD of wastewater flow, including the generation of 18,750 GPD for Phase I. The DEIR should provide an update on the volume of wastewater generated by the project. The DEIR should confirm that wastewater generated by the project will be discharged to the existing Taunton municipal sewer system for final treatment and disposal at the Taunton Wastewater Treatment Facility (WWTF). The City of Taunton is currently in the process of updating their Comprehensive Wastewater Management Plan (CWMP) (EEA #13897). The DEIR should provide an update on the status of the CWMP. According to comments from MassDEP, the City of Taunton has established a Sewer Bank as part of their Administrative Order with the US EPA to address excessive inflow and infiltration (I/I) in their sewer system and to eliminate their current combined sewer outfall (CSO). The DEIR should confirm that the Taunton sewer system has sufficient capacity to accommodate the project's wastewater flows in their Sewer Bank program. The DEIR should discuss how the Proponent will comply with the requirement of removing I/I at a ratio 5 to 1 to offset the maximum wastewater flow added to the City's sewer system in a manner consistent with applicable policies and regulations.

The project is proposing the installation of approximately 1.8 miles of new sewer. At the MEPA Consultation Session, the Taunton Department of Public Works (DPW) indicated that the Proponent would not be allowed to employ the existing infrastructure but would be required to install new water and sewer lines. The DEIR should provide an update of any consultations with the Taunton DPW.

The DEIR should discuss how anticipated wastewater flows were calculated. The Proponent must confirm in the DEIR that the project will be served by separate sanitary and storm drain systems. The Proponent should clarify in the DEIR whether any dewatering will be required during construction, and whether these flows can be discharged into existing storm drains, or if groundwater will be discharged into the sanitary sewer system. In addition to water conservation measures, the DEIR should also consider wastewater reuse opportunities. I strongly encourage the Proponent to consider adoption of water and wastewater conservation and reuse measures wherever possible.

Transportation

The project site is located south of Interstate 495 (I-495)/Bay Street interchange, east of the existing MSIP, west of Watson Pond and Lake Sabbatia, and north of Route 140. It is within area serviced by Bus Route 6 of the Greater Attleboro Taunton Regional Transit Authority (GATRA) and is approximately 4 miles north of the proposed Downtown Taunton Station that would be served by the proposed South Coast Rail project. A MassDOT permit is required for access to I-495 and Route 140 for Phase I and Full Build.

The MassDOT comment letter states that the EENF included a transportation study for Phase I that generally conforms to EOEEA/MassDOT Guidelines. This traffic study estimates that Phase I of the project will generate 1,988 new adt. The study indicated that Phase I would degrade the Bay Street/Industrial Park Road/Northwoods Drive intersection during the AM and PM peak hours. Although this intersection is not under MassDOT jurisdiction, its proximity to the I-495/Bay Road interchange may affect the operations of the ramp intersections, which were recently upgraded to include traffic signals. The Proponent should consult with the MassDOT Highway Division to determine whether traffic signal coordination with the I-495 ramps/Bay Road intersections and approval from MassDOT will be required for the implementation of the proposed traffic timing and phasing plan at the Bay Street/Industrial Park Road/Northwoods Drive intersection.

In addition, MassDOT will require the Proponent:

- to provide a composite illustration of queues at these signalized intersections to demonstrate that the project will not create safety problems;
- to explore the potential of an additional access from Watson Street instead of Constitution Drive that could reduce site traffic and improve operating conditions at the Bay Street/Industrial Park Road/Northwoods Drive intersection; and
- to work with the Highway Division District 5 Office to investigate whether separate left-turn and right-turn lanes for the westbound approach at the Norton Avenue/Route 140 intersection would improve operating conditions at this intersection.

The Full Build of the project will generate 10,400 adt and include the construction of 3,100 parking spaces to support the project. Site access will be provided in three locations: Constitution Drive, Bay Street and John Hancock Road. The DEIR should address the overall impacts of the Full Build project (Phases I and II). The DEIR should include a transportation study prepared in conformance with EOEEA/MassDOT Guidelines for EIR/EIS Transportation Impact Assessments. The DEIR should identify transportation impacts resulting from the project, provide a clear commitment to implement appropriate mitigation measures, and describe the timing of mitigation implementation relative to project phasing and implementation. The DEIR should present capacity analyses and a summary of average and 95th percentile vehicle queues for each intersection within the study area. In addition, the DEIR should include a more thorough analysis of the trip generation, a comprehensive discussion of safety issues, and a commitment to a stronger TDM program. The DEIR should include revised trip generation calculations to provide a more conservative estimate because some of the identified space will house office, laboratory, and education facilities, which tend to generate more trips based on both the number of employees and square footage of development. The DEIR should further evaluate safety at the intersections of Bay Street/I-495 northbound ramps and southbound ramps by examining individual crash reports and narratives as recommended by the MassDOT Safety Management Unit. The Proponent should provide a traffic signal warrant analysis according to the Manual of Uniform Traffic Control Devices (MUTCD) standards for unsignalized intersections that have at least one approach that experiences a level-of-service (LOS) of E or F. The traffic study should analyze the state highway and local roadway locations included in the EENF. The traffic study should also include the intersection of Bay Street and Northwoods Site Driveway in all analyses.

Transportation Demand Management (TDM)

The EENF included a TDM program for Phase I that includes bicycle racks at each building, posting of information about the services of MassRIDES and GATRA, and assistance to the City of Taunton in obtaining grant financing for the establishing of a Transportation Management Association or a full-time transportation coordinator for MSIP and abutting areas. However, the Proponent should commit to providing a full-time transportation coordinator in case the City of Taunton does not obtain the grants. In addition, the Proponent should provide sidewalks along the length of the proposed new roadway, and provide a comprehensive bicycle and pedestrian network within the project site and connecting to the adjacent transportation network. The Proponent should also submit to MassDOT a plan that shows that bicycling and walking to and from the site would be safe and not compromised by the high expected volumes of large truck freight traffic.

The DEIR should include a comprehensive TDM program that investigates all feasible measures aimed at reducing site trip generation. The TDM program should include specific measures that have been successful in reducing trip generation for industrial and office establishments. The TDM program should also identify the existing modes along the corridor such as transit, walking, and bicycling, analyze their existing and future conditions based on the project's impacts, and provide improvements to attract mode usage. The Proponent should work with the GATRA regarding the potential for increased transit service to the site and provision of transit amenities. The site plan should accommodate transit and provide amenities to encourage transit usage, such as bus shelters and bus turnouts, as well as provide pedestrian and bicycle connections to existing land uses within close proximity to the project site. The Proponent should address the comments from the Southeastern Regional Planning and Economic Development District's (SRPEDD) regarding supporting GATRA operations including subsidizing transit passes for employees, or providing matching funds for GATRA grant applications to expand service. The Proponent should also coordinate with the City of Taunton regarding the TDM program. The DEIR should include a summary of the substance and outcome of the Proponent's discussions with MassRIDES and GATRA.

Air Quality

The project triggers MassDEP's review threshold requiring the Proponent to conduct an air quality mesoscale analysis comparing the indirect emissions from transportation sources under the Build and No-Build conditions. The Proponent should consult with MassDEP regarding modeling protocol prior to conducting this analysis. The mesoscale analysis should be conducted in accordance with guidance described in the 2009 MEPA Greenhouse Gas (GHG) Emissions Policy and Protocol (Policy). The current emission model, MOBILE 6.2 should be used for this effort.

The purpose of the mesoscale analysis is to determine whether and to what extent the proposed project will increase the amount of volatile organic compounds (VOCs) and nitrogen oxides (NOx) in the project area. The mesoscale analysis will also be used to determine if the project will be consistent with the Massachusetts State Implementation Plan (SIP). Emission increases due to the project must be mitigated and any subsequent environmental impact analysis should include the Proponent's commitment to implement said mitigation measures. Implementation of a TDM program on-site will provide an opportunity for additional air quality improvements through a reduction in trips. TDM measures and their ability to reduce trip generation rates should be evaluated in the DEIR as part of the transportation analysis.

The DEIR 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 (CO₂) emissions from transportation sources in conjunction with the GHG Policy and Protocol, as outlined further below. The Proponent should evaluate the feasibility of compliance with the Massachusetts Idling regulation (310 CMR 7.11) and the Rideshare Regulation (310 CMR 7.16) and should make commitments to such compliance wherever feasible. The DEIR should identify if the project will require MassDEP air quality permitting. The DEIR should address whether any of the activities performed at the site will have associated air emissions which may require air permits. In addition, the DEIR should whether it will require permits for boilers, engines, turbines, etc.

Greenhouse Gas Emissions

The DEIR should include an analysis of GHG emissions and mitigation measures in accordance with the standard requirements of the MEPA GHG Policy. The DEIR should quantify the direct and indirect GHG emissions associated with the project's energy use and transportation-related emissions. Direct emissions include on-site stationary sources, which typically emit GHGs by burning fossil fuel for heat, hot water, steam and other processes. Indirect emissions result from the consumption of energy, such as electricity, that is generated off-site by burning of fossil fuels, and from emissions associated with vehicle use by employees, vendors, customers and others. The DEIR should outline and commit to mitigation measures to reduce GHG emissions. I refer the Proponent to the Policy for additional guidance on the analysis and I strongly encourage the Proponent to meet with representatives from MEPA, MassDEP and the Department of Energy Resources (DOER) prior to preparation of the DEIR.

The DEIR should include a GHG emissions analysis that calculates and compares GHG emissions associated with: 1) a Massachusetts Building Code-compliant baseline (IECC 2006 with 2007 supplement or the ASHRAE 90.1.2007) (the sum of direct emissions from stationary sources and indirect emissions from energy consumption and transportation); and 2) the proposed Preferred Alternative (the sum of direct emissions from stationary sources, indirect emissions from energy consumption, and transportation for the project as proposed). Please note that the code currently in effect for the design and construction of this project and for the establishment of the Base Code Compliant Case is 780 CMR 13.00 (dated 1/9/09). The policy requires Proponents to use energy modeling software to quantify projected energy usage from stationary sources and energy consumption.

The GHG analysis should clearly demonstrate consistency with the objectives of MEPA review, one of which is to document the means by which the Proponent plans to avoid, minimize, or mitigate damage to the environment to the maximum extent feasible. The Proponent should identify the model used to analyze GHG emissions, clearly state modeling assumptions, explicitly note which GHG reduction measures have been modeled and provide supporting data demonstrating GHG reductions. The DEIR should identify whether certain building design or operations GHG reduction measures will be mandated by the Proponent to future occupants or merely encouraged for adoption and implementation. The DEIR should include the modeling printout for each alternative and emission tables that compare base case emissions in tons with the Preferred Alternative showing the anticipated reduction in tons and percentage by emissions source (direct, indirect and transportation). Other tables and graphs may also be included to convey the GHG emissions and potential reductions associated with various mitigation measures as necessary.

The EENF included a GHG analysis for Phase I of the project. The GHG analysis evaluated CO₂ emissions for three alternatives as required by the Policy including: 1) a Base Case corresponding to the 7th Edition of the Massachusetts Building Code using the ASHRAE Standard 90.1.2007; 2) a Preferred Alternative, which included proposed energy saving design features, and 3) an Enhanced Alternative, which included additional energy saving elements and TDM measures.¹ The Proponent used the EnergyPlus simulation software to perform the GHG analysis and has identified several energy saving measures.

The Preferred and Enhanced Alternatives for Phase I include mitigation measures that will reduce Phase I (direct and indirect) stationary source energy-related emissions of CO₂ by approximately 26.71% and 32.61%, respectively. Mitigation measures for transportation emissions include a number of TDM strategies and roadway improvements to reduce vehicle trips for Phase I of the Project. These measures would improve traffic operations, and reduce the Phase I project-related vehicle trips and CO₂ emissions by 3.46%. Overall, mitigation measures in the Preferred and Enhanced Alternatives are expected to reduce the Phase I total CO₂ emissions by 3.96% and 4.77%, respectively, compared to the base case. The DOER comments have requested clarification, or if necessary, revised modeling with regard to substantiating potential GHG reductions. The DEIR should respond to these requests from DOER.

The MassDEP comment letter has provided additional guidance regarding mitigation measures that should be explored as part of the GHG analysis, as well as resources to assist in preparation of the analysis. The DEIR should also identify TDM measures proposed for each of the alternatives and the corresponding emission reductions expected. The DEIR should present an evaluation of the feasibility of each of the mitigation measures outlined below and identified in the EENF, and if feasible, GHG emissions reduction potential associated with major mitigation elements to facilitate a comparison of value added of different measures. The DEIR should explain, in reasonable detail, any measure not selected- either because it is not applicable to the project or is considered technically or financially infeasible- that would result in a significant reduction of GHG emissions. The Proponent should also consider additional sustainable design measures that can be incorporated into the project for which GHG reductions cannot be easily quantified, such as: water conservation and the reuse of wastewater and/or stormwater; the use of non-toxic and/or recycled building materials; recycling systems or plans; solid waste reduction plans; and an annual audit program for energy consumption, waste streams and the use of renewable resources. Additional GHG reductions can be achieved through effective materials management during the design, construction, and operations phases of the project. These measures will be considered when evaluating whether the project can mitigate its GHG emission to the greatest extent practicable.

The DEIR should discuss inclusion of the following GHG mitigation measures:

- Pursuit of Leadership in Energy and Environmental Design (LEED) and/or Energy Star certifiable project status;
- Availability of potential rebates and incentives from energy providers associated with the installation of highly efficient equipment;

¹ The Proponent provided a GHG analysis for Phase I of the project which included a third case, an Enhanced Alternative. However, the GHG analysis for the Full Build will not be required to include a third case (project alternative with greater GHG emissions related mitigation than the preferred alternative).

- Explanation of building orientation and discussion of expected impacts on energy usage, including solar gain, day-lighting and effect on proposed and future solar energy collection systems;
- Energy efficient lighting, both exterior and interior;
- Interior day-lighting of buildings, including incorporating skylights for single story buildings;
- Duct insulation;
- Roof and wall insulation, including the intended R-values of insulation;
- Windows, including the intended U-values;
- High-efficiency HVAC systems;
- High-albedo roofing materials;
- Incorporation of third-party building commissioning;
- Implementation of lighting motion sensors, climate control and building energy management systems. I strongly encourage the implementation of separate metering of utilities between separate commercial spaces to incentivize energy conservation;
- Combined heat and power (CHP) technologies;
- Energy performance tracking capabilities;
- Energy Star-rated appliances; and
- On-site renewable energy sources. The DEIR should evaluate the use of photovoltaic (PV) systems. At a minimum, buildings should be “solar ready” to facilitate future installation of PV systems should the DEIR demonstrate that such systems are presently infeasible.

I recognize that certain energy efficiency measures require a level of design that will be deferred to the tenants’ selection. While I encourage the Proponent to adopt all feasible GHG reduction measures that are integrated into the building’s core, shell and infrastructure, some measures may be transient or dependent on operational procedures implemented by the future occupant. In those instances, the Proponent should consider reasonable measures to educate and create incentives for the tenants to adopt energy efficiency/renewable generation measures. The DEIR should address the Proponent’s commitment to providing energy efficiency consulting services and information and/or developing a tenant manual that requires or strongly supports GHG reduction measures. As an example of such a document, I direct the Proponent to the New Patriots Stadium and Public Infrastructure Project (EEA No. 12037) Third Notice of Project Change and the associated Secretary’s Certificate issued on April 17, 2009.

It is anticipated that the Proponent will be required to provide a certification to the MEPA Office indicating that the mitigation measures identified in the MEPA process have been incorporated into the project. The draft Section 61 Findings in the DEIR should include this self-certification requirement.

Historical and Archaeological Resources

MHC has submitted detailed comments on the EENF requesting additional information to understand the project, and to determine the effects of each phase of the project on potential on-site historical and archaeological resources. Historic properties within the Paul A. Devers State School/Camp Myles Standish (TAU.AH) project site are included in MHC’s *Inventory of Historic and Archaeological Assets of the Commonwealth* and may be eligible for listing in the State and National Registers of Historic Places. MHC has requested additional information concerning the significance of the historic properties located on-site, in light of the proposed

demolition of some or portions of these structures. In addition, MHC has requested that the Proponent conduct an archaeological reconnaissance survey for the project. The Proponent is required to consult with MHC in order to determine whether the project will have significant impacts on historic and archaeological resources. According to the EENF, the Proponent will file a Project Notification Form (PNF) with MHC for each phase of work to allow MHC to determine the effects of each phase on identified historic and archaeological resources.

The DEIR should present an update on the Proponent's consultations with MHC and any measures that have been proposed to mitigate historic and archaeological impacts. I refer the Proponent to the comments from MHC regarding further information which should be provided in order for MHC to review the effects of the project on significant historic and archaeological resources. In addition to consultations with MHC, I encourage the Proponent to work with the Taunton Historical Commission and the Old Colony Historical Society to develop appropriate mitigation that will include interpretation of the site's history for the public and to ensure adequate documentation of the site's buildings and structures.

Hazardous Material

MassDEP's Bureau of Waste Site Cleanup (BWSC) has indicated that the project site is not listed as a current disposal site in its database, and that no other disposal sites were listed in the immediate vicinity of the proposed project. The Proponent is advised that, if oil and/or hazardous material (OHM) is identified during the implementation of the project, notification pursuant to the Massachusetts Contingency Plan (310 CMR 40.0000) must be made to MassDEP, if necessary. A Licensed Site Professional (LSP) may be retained to determine if notification is required and, if need be, to render appropriate opinions. Construction protocols and procedures should reflect the potential for discovery of OHM during the construction period.

The project will likely require abatement and removal of asbestos from existing buildings. The Proponent should ensure that MassDEP requirements for asbestos remediation are met. The DEIR should include an update on asbestos investigations and remediation plans.

Construction Period Impacts

The DEIR should include a Construction Management Plan (CMP) describing project activities and their schedule and sequencing, site access and truck routing, and BMPs that will be used to avoid and minimize adverse environmental impacts. The CMP should discuss potential demolition and construction period impacts (including but not limited to land disturbance, noise, vibration, dust, odor, nuisance, vehicle emissions, construction and demolition debris, and construction-related traffic) and analyze and outline feasible measures that can be implemented to eliminate or minimize these impacts. The DEIR should outline potential measures to address materials management during the construction period. The CMP should discuss plans for reuse and recycling of construction materials including asphalt, brick and concrete (ABC). The DEIR should discuss measures proposed to protect wetland resource areas during construction activities, and the CMP should include an erosion control component to address protection of water quality and wetlands resources.

The Proponent must comply with MassDEP's Solid Waste and Air Quality Control regulations, pursuant to M.G.L. Chapter 40, Section 54, during demolition and construction. I note that the project will result in the significant generation of demolition waste, portions of which may contain asbestos. The Proponent should consult MassDEP for guidance on applicable

regulations and BMPs that can be implemented on-site to effectively manage demolition and construction waste.

I strongly encourage the Proponent to commit to participation in the MassDEP Diesel Retrofit Program and to use ultra low sulfur diesel (ULSD) in off-road engines. The DEIR should describe how the Proponent will minimize construction-period diesel emissions to address concerns relating to fine particulate matter (PM_{2.5}) and related health impacts.

The DEIR should clarify if any blasting is being proposed and if so, discuss measures to protect public water supplies in the project area. I refer the Proponent to the MassDEP Memorandum entitled "Potential Environmental Contamination From the Use of Perchlorate-Containing Explosive Products" available at <http://www.mass.gov/dep/cleanup/laws/blasting.htm>

The Proponent is required to prepare a Stormwater Pollution Prevention Plan (SWPPP), which must clearly and reasonably delineate all areas to be 'altered', and describe the practices that will be implemented to protect the resources during construction as well as upon completion of the project. This includes Erosion and Sedimentation Control Plans and design calculations to assess all drainage leaving the site. The SWPPP must also include designation of areas where stockpiling of material and operations are to occur. The Proponent should consult with the City of Taunton, MassDEP and others to ensure that the Project will meet any performance standards associated with a federal NPDES permit for all proposed project construction activities.

Mitigation and Section 61 Findings

The DEIR should include a separate chapter on mitigation measures, which should include a summary table of all mitigation commitments as well as detailed proposed Section 61 Findings for all state permits. The Section 61 Findings should describe proposed mitigation measures, contain clear commitments to mitigation and a schedule for implementation, based on the construction phases of the project, and identify parties responsible for funding and implementing the mitigation measures. The proposed Section 61 Findings will serve as the primary template for permit conditions.

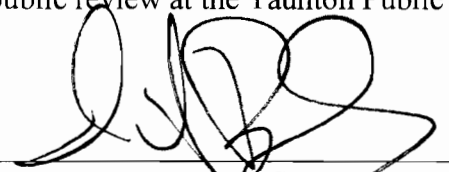
Comments/Circulation

The DEIR should contain a copy of this Certificate and a copy of each comment letter received on the EENF. In order to ensure that the issues raised by commenters are addressed, the DEIR should include a response to comments received to the extent they are within MEPA jurisdiction. This directive is not intended to and shall not be construed to enlarge the scope of the DEIR beyond what has been expressly identified in this Certificate. I recommend that the Proponent use either an indexed response to comments format, or a direct narrative response.

The DEIR should be circulated in compliance with Section 11.16 of the MEPA regulations. Copies should be sent to those parties that submitted comments on the EENF, and to each federal, state and local agency from which the Proponent will seek permits or approvals. A copy of the DEIR should be made available for public review at the Taunton Public Libraries.

January 29, 2010

DATE



Ian A. Bowles, Secretary

Comments Received

01/04/2010 Natural Heritage and Endangered Species Program
01/19/2010 Massachusetts Historical Commission
01/22/2010 Massachusetts Department of Conservation and Recreation
01/22/2010 Massachusetts Department of Energy Resources
01/22/2010 Greater Attleboro-Taunton Regional Transit Authority
01/25/2010 Southeastern Regional Planning and Economic Development District
01/26/2010 Massachusetts Department of Environmental Protection – SERO (revised)
01/26/2010 Massachusetts Department of Transportation

IAB/PPP/ppp