



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

Deval L. Patrick
GOVERNOR

Timothy P. Murray
LIEUTENANT GOVERNOR

Ian A. Bowles
SECRETARY

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

February 5, 2010

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

PROJECT NAME : Middleton Crossing
PROJECT MUNICIPALITY : Middleton
PROJECT WATERSHED : Ipswich River
EEA NUMBER : 14533
PROJECT PROPONENT : Middleton Crossing LLC & Lesa LLC
DATE NOTICED IN MONITOR : January 6, 2010

Pursuant to the Massachusetts Environmental Policy Act (M.G. L. c. 30, ss. 61-62I) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

As described in the Environmental Notification Form (ENF), the project consists of redevelopment of an existing site on South Main Street (Route 114) in Middleton. It proposes demolition of existing structures and construction of three buildings and associated infrastructure, including access drives and a stormwater management system. The project includes 39,367 square feet (sf) consisting of a 166-seat restaurant, a bank with drive-up windows, medical offices and retail uses. The project will be constructed in phases and will consist of two separate parcels. The first phase will include the construction of Building 1, the associated septic system and stormwater management system, access drives and landscaping for the entire site. Subsequent phases will include construction of Buildings 2 and 3, the associated septic system and completion of parking areas. Primary access will be provided via Route 114 and will include a single full-access driveway. Secondary access will be provided via Park Avenue.¹

¹ The ENF and associated plans indicate that the project would include two access drives from Route 114; however, since the filing of the ENF, the proponent has indicated (in an email dated January 26, 2010) that the access plans have been revised. The entrance only drive from Route 114 and the southerly driveway from Park Avenue have been eliminated.

The site is located at 165–179 South Main Street. It is bounded by Route 114 to the northeast, Fuller Pond Road to the north, Park Avenue to the south and residential development to the south and west. It contains two single-family homes, five apartments and several specialty retail uses. It includes approximately ½ acre of impervious area consisting of structures and access drives and 48 parking spaces. It is served by the municipal water system and an on-site septic system. The existing buildings are accessed via three curb cuts along South Main Street and two curb cuts along Park Avenue.

Jurisdiction

The project is undergoing MEPA review pursuant to 301 CMR 11.03 (6)(b)(13) because it requires a state permit and consists of generation of 2,000 or more new average daily vehicle trips (adt) on roadways providing access to a single location. The project requires an Access Permit from the Massachusetts Department of Transportation (MassDOT). In addition, it requires a National Pollution Discharge Elimination System (NPDES) Construction General Permit from the United States Environmental Protection Agency (EPA). Because the proponent is not seeking financial assistance from the Commonwealth, 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 extends to traffic and transportation.

Environmental Impacts

Potential environmental impacts are associated with the alteration of 3.9 acres of land, creation of 2.7 acres of new impervious area (for a total of 3.2 acres), generation of 2,301 average daily vehicle trips (adt) (for a total of 2,499 adt),² use of an additional 8,710 gallons per day (gpd) of water (for a total of 10,960 gpd) and generation of 7,944 gpd of additional wastewater (for a total of 9,995 gpd).

Review of the ENF

The ENF includes a project description, a discussion and estimates of associated environmental impacts and identification of measures to avoid, minimize and mitigate impacts. Mitigation measures include redevelopment of an existing site and design and construction of a stormwater management system that will mitigate peak rates of runoff and provide groundwater recharge. In addition, the project will include geometric roadway improvements at the site, including the reduction of curb cuts along Route 114, to improve traffic operations and safety.

Comments from MassDOT indicate that the proponent should submit a traffic study with its permitting application and that additional mitigation measures should be considered to avoid traffic impacts and encourage safe bicycle and pedestrian access. These comments indicate that the proponent should consider providing a driveway from Fuller Pond Road to the project site, provide pedestrian and bicycle facilities within the site, including bike storage, and provide safe pedestrian and bicycle

² Trip generation estimates were revised during review of the ENF and provided to the MEPA Office via an email dated January 26, 2010.

connections between South Main Street and Park Avenue. The proponent should carefully review comments from MassDOT to assist in preparation of its permit application.

As noted previously, the ENF indicates that the project will generate approximately 9,995 gpd of wastewater. Also, the ENF indicates that the project does not require state permits related to wastewater. At the site visit, held on January 21, 2010, the proponent indicated that design flows for the septic systems were 6,000 gpd and 8,000 gpd. These systems are proposed on individual lots which may be combined into a single lot in the future. The proponent indicated that the systems were designed to allow programming flexibility as tenants are secured for the development.

MassDEP comments note that if the parcels are to remain in separate and distinct ownership, each parcel must be served by a septic system on the parcel itself and septic flow cannot be combined. Also, the comments indicate that, if the parcels are transferred into single ownership, the aggregate design flows would exceed 10,000 gpd and would require a groundwater discharge permit.

MassDEP comments also indicate that demolition activities must comply with both Solid Waste and Air Quality Control regulations (M.G.L. Chapter 40, Section 54) and note that the potential impacts associated with this project can be mitigated through construction and demolition (C&D) recycling activities and incorporation of waste reduction, recycling and integration of recycled materials into the project. I encourage the proponent to consider incorporation of recycling and waste reduction into the design, construction and operation of these buildings. The MassDEP comment letter contains additional information and resources regarding solid waste.

Although the project is not subject to the MEPA Greenhouse Gas (GHG) Emissions Policy and Protocol because I have found that it does not require the preparation of an EIR, I strongly encourage the proponent to voluntarily undertake measures to reduce GHG emissions associated with the project. New construction presents an ideal opportunity for incorporation of sustainable design and green building elements early in the design process. Adoption of energy efficiency measures, in particular, can, reduce GHG emissions, avoid environmental impacts and reduce operating costs over the course of the project life. Installation of roof-top solar photovoltaic (PV) systems may be appropriate for these buildings and could generate clean, renewable power to meet a significant portion of the project's energy demand. Incorporation of better pedestrian and bicycle access, as noted in the MassDOT comment letter, will also reduce the GHG emissions associated with this project. I strongly encourage the Proponent to adopt all feasible energy efficiency and sustainable design measures in design and construction of this project.

Conclusion

Based on the information in the ENF and after consultation with relevant public agencies, I find that no further MEPA review is required at this time. The project may proceed to permitting.

February 5, 2010
Date

Alicia McDevitt, Assistant Secretary for
Ian A. Bowles

Comments received:

- 1/26/10 Massachusetts Department of Environmental Protection/Northeast Regional Office
 (MassDEP/NERO)
- 1/27/10 Massachusetts Department of Transportation (MassDOT)

IAB/CDB/cdb