

Berkshire Regional Planning Commission Clearinghouse Review Report

SUBJECT: Big Y Supermarket
EEA#: 14577
LOCATION: Lee
ESTIMATED COST: \$9 million
REVIEW TYPE: Single EIR
PROPONENT: Big Y Foods, Inc. c/o SK Design Group, Inc.
COMMENTS DUE: August 19, 2010

The EIR submission is organized such that it responds to the Secretary of Energy and Environmental Affairs's comments in a systematic order. This review expands on that structure such that the project description is furnished, followed by paraphrased Secretary's comments, the proponent's response, and BRPC Staff analysis. The next section contains the BRPC's comments for the EENF, the proponent's response, and BRPC Staff analysis.

RECOMMENDATION

Recommendations to the Secretary's Office regarding the EIR and State Permitting Issues:

The SEIR submission contains deficiencies regarding several of the scoping statements contained in the Secretary's Certificate for the EENF. BRPC recognizes that this proposal garners broad community support and redevelops a dilapidated, contaminated, and underutilized site in the heart of the Berkshires. However, BRPC believes that future negative impacts could replace the problems of the past development without a complete and technical analysis of the SEIR's deficiencies. To ensure the long term viability and broad community benefit this project is capable of realizing, BRPC recommends that the petitioner rectify the deficiencies in the SEIR by filing a supplemental EIR. The supplemental EIR should include, the following components as further explained in these comments:

- A description of physical measures needed for constructing the development within a floodplain;
- Details of the process for minimizing the impervious surfaces of the proposed structures, particularly in the wetlands areas and Riverfront;
- Further refinement of how alternate modes of transportation interface with the proposal, including non-motorized modes, public transportation, and hybrid/alternative fueled vehicles;
- A revised GHG analysis that includes a detailed economic and technical analysis of alternatives that include combinations of measures, minimally PV, CHP, power fuel cells, and refrigeration units with doors. The revised GHG analysis should also consider how to monitor the TDM strategies proposed so they will verify the calculated benefits proposed in this SEIR. The GHG analysis should include recycling and composting efforts;
- Altered construction methodologies including steps to avoid the introduction of invasive species (during and post construction, particularly zebra mussels) and the reduction of pollution from sedimentation, dust, chemicals, emissions, and fumes;
- A cost-based management plan for the stormwater facilities for the Order of Conditions;
- An technical analysis of how to improve the northern stormwater discharge outfall that the proponent proposes to shatter with MassDOT; and
- The draft Section 61 findings included in the SEIR should be amended to reflect findings construed from the supplemental EIR.

PROJECT DESCRIPTION:

The project consists of the redevelopment of the former “Diesel Dan’s” site off Rte. 102 in Lee, immediately south of the Rte. 20 intersection. According to the EIR, the project site consists of four (4) separate, contiguous parcels. The existing site contains two (2) residential properties and two (2) commercial properties. The property contains a truck fueling facility with a small retail store and a vacant motel/restaurant. The owner has purchased two (2) homes fronting on Mass Route 102 to demolish as part of the development. The entire site is 9.8 acres. Currently, 4.7 acres are impervious surface. The EENF states that 4.0 acres of land will remain impervious post-development. The Housatonic River is the western border of the site and nearly the entire site is located within the 100-year floodplain. The redevelopment consists of 53,100 square feet of shopping center, 48,000 square feet of which is the anchor Big Y grocery store.

The project will require an Order of Conditions from the Lee Conservation Commission, review from the Division of Fisheries and Wildlife (DFW) Natural Heritage and Endangered Species Program (NHESP) and an Access Permit from the Massachusetts Highway Department (MHD). Additional required permits include a NPDES Construction General Permit, a Special Permit from the Lee Planning Board, a variance from parking standards and a Special Permit for work in the floodplain from the Lee Zoning Board of Appeals. A Chapter 91 License and a 401 Water Quality Certification from the Department of Environmental Protection (DEP) may be required. The project site has been impacted by numerous releases of oil and/or hazardous materials and is classified as a Tier 2 site under Chapter 21E and is being regulated under the Massachusetts Contingency Plan (310 CMR 40.00). The site has a deed restriction for an Activity and Use Limitation (AUL). Since no state funding is involved, MEPA jurisdiction is limited only to activities subject to a state permit: transportation, stormwater, wetlands, waterways, rare species, wastewater and hazardous waste.

APPLICATION OF THE SECRETARY’S EENF CERTIFICATE TO THE SINGLE EIR:

I. GENERAL

- a. Secretary’s Statement - The proponent shall prepare a SEIR in accordance with 301 CMR 11.07, as modified by the Secretary’s comments. This shall include maps and designs, analyses and associated methodology, status of application for required permits and approvals, and a description of applicable regulatory standards.
- b. Proponent’s Response - The proponent responds that they have met each of these general provisions.
- c. BRPC Staff Comments - The SEIR is structured and organized consistently with 301 CMR 11.07, as modified by the Secretary’s comments. Deficiencies in documentation or analysis are indicated in staff review of the individual sections and are focused on the Secretary and BRPC’s comments on the EENF.

II. GENERAL

- a. Secretary’s Statement - The SEIR shall demonstrate the project’s design complies with state and federal requirements for constructing buildings in a 100-year floodplain.
- b. Proponent’s Response - The proponent indicates that architectural plans are not available, however, when they are available, architectural plans will comply with all applicable regulations.
- c. BRPC Staff Comments - The proponent suggests that there are code provisions that apply to how the structure is built to withstand a water event beyond the base flood elevation. The proponent states that building design will comply with applicable regulations governing construction in a flood zone. However, the proponent does not describe what the additional factors involved in construction of a building five (5’) foot six (6”) inches below the 100-year flood elevation. This is concerning because if the proponent modifies

the finished floor elevation of the structure to avoid the floodplain, there may be major shifts in compensating cut and fill that extensively modify other portions of the site particularly in the vicinity of the AUL.

III. ALTERNATIVES

- a. Secretary's Statement - The alternatives analysis in the EENF demonstrated preference to improvements of water quality measures and degraded resource areas that were satisfactory to the Secretary. The SEIR should evaluate alternatives for green house gas (GHG) reductions based on transportation related improvements, impervious surfaces, and impacts to wetlands resource areas.
- b. Proponent's Response - The proponent refers to Section 9 and Appendix J of the submission for the GHG analysis and Section 3.7 for a discussion of alternative site configurations.
- c. BRPC Staff Comments – The proponent does not indicate that the SEIR addressed the Secretary's requirement for alternatives that consider reduced impacts to wetlands resource areas. Although the proponent includes a revised GHG reduction analysis, there is no substantive change to the alternatives analysis presented in the EENF. Additionally, the alternatives that discuss impervious surfaces only generally discuss the parking field in terms of aggregated spaces and do not explore alternatives such as minimizing stall area and drive aisles.

IV. TRANSPORTATION

- a. Secretary's Statement – MassDOT recommends the petitioner examine driveway consolidation, in particular, elimination of the northernmost drive. The feasibility analysis should consider three alternatives: elimination of the northern drive, truck only access to the northern drive, and no change. The analysis should include merging movements, 50 and 95th % queues and capacity analysis at appropriate intersections.
- b. Proponent's Response- Closure or restriction of the northern, existing drive, would yield unacceptable levels of service at adjacent intersections and cause a greater impact to the resource areas that abut the proposal.
- c. BRPC Staff Comments – Although the driveway spacing is not optimal, the three driveways are aligned to function for certain movements to adjacent existing streets. If this were proposed in a location without existing intersections, one drive would be adequate to service the development.

V. TRANSPORTATION

- a. Secretary's Statement –The SEIR should demonstrate the project's internal site circulation provides accommodations for pedestrians and bicyclists. The proponent should identify opportunities for extending new sidewalk along Mass Route 102 and along the north side of the proposed main site drive.
- b. Proponent's Response - Drawing 7, the striping, signage, and pavement plan is updated to reflect the comments.
- c. BRPC Staff Comments – Non-motorized access to the site is problematic under the proposed scenario suggested by the Secretary. Staff recommends directing non-motorized traffic from the north on a sidewalk, along the most northern edge of the parking field, not along a striped area through the main site access. Non-motorized traffic should not funnel to the busiest zone of the parking lot, should be shielded by a barrier curb, and should be routed fairly directly because the majority of pedestrians will take the shortest route available, whether or not it is identified. Additionally, the bicycle racks and the transit drop are not located in areas that make them attractive to use and are not treated equally to automobiles.

VI. TRANSPORTATION

- a. Secretary's Statement – The proponent is using traffic counts that are older than typically permissible. This is acceptable if the proponent agrees to a traffic-monitoring program.
- b. Proponent's Response - Intersection counts were collected for the projects mitigation proposal. The petitioner would like MassDOT to waive the monitoring request.
- c. BRPC Staff Comments – The signal installation at the main drive may offer opportunity to collect data and integrate into a potential traffic-monitoring program along the corridor, aligning with the Western Massachusetts ITS framework. The signal equipment should be able to collect future counts. Evaluation of future interoperability should be explored and may be acceptable to waive the future monitoring requirement.

VII. TRANSPORTATION DEMAND MANAGEMENT

- a. Secretary's Statement –The proponent has an obligation to provide a comprehensive TDM program.
- b. Proponent's Response - We have provided 14 TDM techniques that we feel are comprehensive and should reduce employee trips by 16%.
- c. BRPC Staff Comments – Staff is skeptical that employee trips will be reduced by 16%, primarily because of the lack of adjacent land uses or frequent transit that would make non-motorized or buses viable for a significant portion of the staff. If the store were located in a more densely developed area then there should be a higher propensity to select an alternate mode of travel. Additionally, the proponent does not indicate shower facilities for employees; a measure that would increase the likelihood for employee pedestrian and bicycle travel.

VIII. TRANSPORTATION DEMAND MANAGEMENT

- a. Secretary's Statement –The proponent should coordinate transit access and TDM strategies with other stakeholders (BRTA, MassRIDES, Town of Lee's COA). The non-motorized network should be well defined.
- b. Proponent's Response - BRTA was contacted and the trolley service is discontinued. The response also includes cited information for the non-motorized network.
- c. BRPC Staff Comments – The proponent does not reference contacting MassRIDES regarding additional TDM strategies. The TDM program described in the GHG analysis is void of monitoring measures. In terms of initial costs, the purchase of a bicycle rack and a bump-out for a transit stop provides a 2% credit towards GHG reduction. Priority spaces for hybrid vehicles should be identified on the pavement plan. The location of these amenities should indicate a preference or equality for these modes of transportation.

IX. TRANSPORTATION DEMAND MANAGEMENT

- a. Secretary's Statement –Potential congestion on southbound Mass Route 102 would alter traffic conditions.
- b. Proponent's Response - The north driveway should alleviate southbound queuing at the proposed signal.
- c. BRPC Staff Comments – Staff concurs with the proponent.

X. GREENHOUSE GAS EMISSIONS

- a. Secretary's Statement - The SEIR should present an updated GHG reduction analysis.
- b. Proponent's Response - The GHG analysis is updated based on the 5 measures listed in the introduction of Appendix J.
- c. BRPC Staff Comments – The figures provided in the GHG analysis only differ from the EENF analysis for the 206.5 MWhr that accounts for the photovoltaic system. The other 4 measures either were not included in the GHG analysis or were of a minimal impact. The discrepancy should be clarified.

XI. GREENHOUSE GAS EMISSIONS

- a. Secretary's Statement - Consider skylights, motion sensor lighting in employee-only areas, and energy star rated appliances. The energy efficiency is much greater for stores that place doors on refrigerated cases.
- b. Proponent's Response – Skylights are not feasible. Occupancy controls and energy star suggestions are included in the proposal.
- c. BRPC Staff Comments – The proponent does not answer the Secretary's suggestion for using refrigerated cases with doors.

XII. GREENHOUSE GAS EMISSIONS

- a. Secretary's Statement - Consider the NREL document "Development of the Advanced Energy Design Guide for Grocery Stores" when preparing the SEIR.
- b. Proponent's Response - The NREL document uses a dated baseline for its reductions. It is a baseline of existing stores, not newly constructed ones. The proponent suggests the development will achieve a 44% reduction when compared to that baseline and employs many of its strategies.
- c. BRPC Staff Comments – The proponent does not offer an explanation for why they do not consider doors on their refrigerated cases.

XIII. GREENHOUSE GAS EMISSIONS

- a. Secretary's Statement - Several supermarkets in the northeast effectively use power fuel cells. The Stop N Shop in Foxboro is an excellent case study.
- b. Proponent's Response - The development uses all of the energy efficiency strategies from the Foxboro case study in one form or another. The PV system is employed in our development instead of a power fuel cell.
- c. BRPC Staff Comments – The proponent does not offer a discussion of why the PV system is not feasible in conjunction with a power fuel cell.

XIV. GREENHOUSE GAS EMISSIONS

- a. Secretary's Statement - The GHG reduction analysis should include Combined Heat and Power as well as a technical and cost analysis for the measures the proponent is not intending to adopt.
- b. Proponent's Response - The PV system is included and the GHG report included a technical analysis of why the CHP system is not feasible.
- c. BRPC Staff Comments – A detailed technical and cost analysis implies some estimate of cost and benefit. The CHP discussion in the GHG report does not include an economic analysis for this development application. The report liberally interprets information contained in other documents, including the NREL paper that the proponent previously characterizes as outdated. The American Gas Foundation report is quoted completely out of context, inferring "not cost effective anywhere in the US". The full quote is "The system as tested at HEB is not cost effective anywhere in the US, in part because of the poor system performance." The report proceeds to explain how a CHP system encountered difficulties as installed at HEB and additional factors can reach a pay-back much closer to five (5) years, the proponents' ascribed economic feasibility threshold. The proponent should submit an economic analysis with verifiable pay items, reasonable futures rates combined with an appropriate discount rate, and any tax offsets or subsidies. Alternatives should include combined for fuel cell, PV and CHP. The goal of this analysis is to furnish compelling evidence to the economic appropriateness of CHP in this development. The proponent also does not offer an economic analysis of using refrigerated cases with doors, an energy reduction method they do not address in their response to the SEIR scope.

Note that the proposed Price Chopper redevelopment in Lenox committed to a much more detailed CHP analysis in their recent DEIR filing and anticipated a payback in the order of 4-5 years. Lastly, staff maintains that the life cycle cost analysis of the system should focus on the equipment investment. Economic feasibility and the duration of payback should correlate more closely to the developer's commitment to maintain and operate this site in the community.

XV. GREENHOUSE GAS EMISSIONS

- a. Secretary's Statement - MassDEP designed a certification-based recycling and composting program for supermarkets. GHG reductions through this program are quantifiable and should be considered in the SEIR.
- b. Proponent's Response - The development will include a composting and recycling program for food waste consistent with the Center for Environmental Technology in Pittsfield. The MEPA GHG policy does not require emissions quantification generated from food waste.
- c. BRPC Staff Comments - The proponent references the CET program, but does not provide the steps in the CET toolbox that they will invoke as part of this development. Sixteen (16) BigY supermarkets achieved certification through the MassDEP program cited by the Secretary, however, none of them are in Berkshire County. The proponent should include an explanation of why the CET program is more strict and applicable than the MassDEP program, which individual components of the CET program they are going to use, and factor the potential GHG reductions into the GHG analysis.

XVI. GREENHOUSE GAS EMISSIONS

- a. Secretary's Statement - The proponent should consider a waste prevention purchasing policy.
- b. Proponent's Response - The proponent attempts to reduce waste and packaging. Unused food is returned, donated, or composted.
- c. BRPC Staff Comments - The proponent adequately addresses the Secretary's comments.

XVII. GREENHOUSE GAS EMISSIONS

- a. Secretary's Statement - The proponent's waste management plan should comply with Massachusetts Waste Bans
- b. Proponent's Response - Consumer glass, metal, and plastics are collected in the front of the store while paper, cardboard, and plastic wrap are stored in an adequate area in the receiving area.
- c. BRPC Staff Comments - Staff believes the proponent adequately addresses the Secretary's comments.

XVIII. GREENHOUSE GAS EMISSIONS

- a. Secretary's Statement - The proponent's waste management plan should target a recycling goal of more than 50%.
- b. Proponent's Response - The proponent recycles 100% of the waste ban materials collected and will attempt to recycle as much of the current structures as possible during redevelopment.
- c. BRPC Staff Comments - The proponent should provide statistics of how much waste from their company-wide operations is recycled, hopefully exceeding the 50% suggested by the scope.

XIX. GREENHOUSE GAS EMISSIONS

- a. Secretary's Statement - The proponent is required to *commission* (audit the development post-construction to assure that mitigation measures are function properly and producing proposed results) the building ensuring that the stationary source GHG reduction measures are in place and achieving the intended results. Additionally, the SEIR should contain proposed Section 61 findings for MassDOT to include in the Access Permit.
- b. Proponent's Response - Proposed language is included.
- c. BRPC Staff Comments – The draft Section 61 findings should be revised after the GHG reduction analysis is modified in response to the other comments included in this report.

XX. WETLANDS AND WATERWAYS

- a. Secretary's Statement - The SEIR should report on the Chapter 91 License determination. The SEIR should also describe compliance with work in riverfront areas activities, a potential Section 401 Water Quality Certificate, and a Soil Erosion and Sedimentation Control Plan. The proponent should take care not to introduce invasive species.
- b. Proponent's Response - Section 5 of the report includes description of the work and provides an update on permits.
- c. BRPC Staff Comments – The proponent appears to comply with standards contained in the SEIR scoping comments. The invasive species management plan included in the SEIR does not describe measures to reduce the further introduction of invasive species. Staff suggests using coir bundles and wattles instead of staked hay bales at temporary checkdam locations. Coir matting should be used to stabilize high-velocity areas as finish grading and seeding occurs.

XXI. WETLANDS AND WATERWAYS

- a. Secretary's Statement - The SEIR should discuss how the proponent would maximize retention of stormwater runoff on-site and avoid connections to systems under public domain to the extent feasible. Details to BMP's should be included in the SEIR.
- b. Proponent's Response - Section 4 discusses stormwater management.
- c. BRPC Staff Comments – The proponent indicates that all retention and outlets occur within the site itself. Adequate details to the proposed BMP's are provided in the attached design sheets.

XXII. WETLANDS AND WATERWAYS

- a. Secretary's Statement - The SEIR should discuss long term ownership and indentify the parties responsible for maintenance of the stormwater management system.
- b. Proponent's Response - A maintenance program is included in the SEIR, as well as emergency operation plans.
- c. BRPC Staff Comments – The maintenance program is adequate, however, an annualized budget for maintenance over the first year would be helpful for analyzing the economic commitment to maintain the proposed system. The Maintenance program should be included on the Order of Conditions.

XXIII. WETLANDS AND WATERWAYS

- a. Secretary's Statement- The SEIR should describe all impacts to state listed rare species and should outline proposed measures that will be implemented to mitigate for any adverse impacts to habitat. The AUL is concerning particularly during construction.
- b. Proponent's Response - Responses are included in the stormwater management plan.
- c. BRPC Staff Comments – Staff believes the proponent adequately addresses the Secretary's comments.

XXIV. WETLANDS AND WATERWAYS

- a. Secretary's Statement- The proponent should consult with the Bureau of Waste Site Cleanup in the final design and consider using a Licensed Site Professional during construction.
- b. Proponent's Response - The AUL and appropriate mediation activities for construction are included in the SEIR.
- c. BRPC Staff Comments – Staff believes the proponent adequately addresses the Secretary's comments.

XXV. CONSTRUCTION AND DEMOLITION

- a. Secretary's Statement- The SEIR should evaluate and mitigate for construction period impacts.
- b. Proponent's Response - The SEIR includes a plan indicating compliance with regulations regarding construction period impacts, including asbestos clean-up.
- c. BRPC Staff Comments – Staff believes the proponent adequately addresses the Secretary's comments.

XXVI. WETLANDS AND WATERWAYS

- a. Secretary's Statement- The proponent is requested to participate in the MassDEP's Clean Air Construction Initiative (CACI) and Diesel Retrofit Program.
- b. Proponent's Response - The proponent may consider using machinery and subcontractors that comply with the Diesel Retrofit Program if they are the low bidders.
- c. BRPC Staff Comments – The proponent fails to specifically discuss the CACI and does not commit to the Diesel Retrofit Program. The Proponent should analyze what specifically they will perform from the CACI "toolbox" during the construction of this development. The proponent could accept bids only from contractors that participate in the MassDEP Diesel Retrofit Program.

XXVII. MITIGATION, PERMITTING, AND SECTION 61 FINDINGS

- a. Secretary's Statement- The SEIR 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 required for the project.
- b. Proponent's Response- the mitigation measures are summarized in a separate section that includes draft Section 61 Findings.
- c. BRPC Staff Comments- The mitigation section and Section 61 Findings should be updated to reflect any additional analysis or conditions submitted prior to the SEIR certificate.

APPLICATION OF PRIOR BRPC COMMENTS TO THE SINGLE EIR:

I. MEPA AND STATE PERMITTING ISSUES

- a. BRPC Statement- The proponent should provide more complete alternatives analysis in order to ascertain which site layout minimizes overall impacts to land, wetlands, rare species and sensitive receptors. The EIR should fully explain any trade-offs inherent in the alternatives analysis, such as increased impacts on some resources to avoid impacts to other resources. & Alternatives analysis is an iterative process; the proponent should further refine the selected preferred alternative to minimize additional impacts and reduce effects of past development on the site.
- b. Proponent's Response- The Preferred alternative has been micro-analyzed for ways to reduce impacts even further.
- c. BRPC Staff Comments- While the preferred alternative was refined to include some mitigation activities; it does not include several necessary items, including pedestrian access and transit stops. Additionally, drive aisles at the rear of the building may be unnecessarily expansive in the Riverfront Area.

II. MEPA AND STATE PERMITTING ISSUES

- a. BRPC Statement- The proponent should enhance erosion control efforts and establish of firm limits of construction activities given the significant encroachment into the Riverfront Protection Area. We recommend the proponent establish an erosion and sediment control plan (SESC) and frequently monitor the installation and function of erosion control devices during all phases of construction.
- b. Proponent's Response- the erosion and sedimentation control plan is included in the SEIR and was submitted to Lee and MassDEP.
- c. BRPC Staff Comments- The SESC plan is generally satisfactory, except for the use of staked hay bales and a lack of detail for stabilized areas post-construction.

III. MEPA AND STATE PERMITTING ISSUES

- a. BRPC Statement- if this project results in the alteration of designated significant habitat or a "take" of rare or endangered species it would require a permit under MESA. NHESP should require that the proponent develop a Conservation and Management Plan that meets the terms of the permit. This project will discharge both treated stormwater runoff and overflow into the Housatonic River potentially altering designated significant habitat. Care should be taken to limit work within the environmental windows as determined by NHESP. The proponent should continue to work closely with NHESP throughout the MEPA and MESA process and abide by their recommendations.
- b. Proponent's Response- The development should not degrade the existing quality of the river.
- c. BRPC Staff Comments The proponent should continue to work closely with NHESP and the Lee Conservation Commission throughout the MEPA and MESA process and abide by their recommendations.

IV. MEPA AND STATE PERMITTING ISSUE

- a. BRPC Statement- The proponent should provide alternatives for mobile source emissions through an analysis of delay within the traffic study area. Off-site deterioration of LOS at three other intersections may offset GHG reductions as proposed for mobile sources through the amenities and programs offered within the development.
- b. Proponent's Response- The mobile source component of the GHG analysis complies with MassDEP policy.
- c. BRPC Staff Comments- The impacts of mobile source GHG's are not the bulk of reduction for the project, however, the likelihood that the TDM measures will reduce the overall GHG emissions is unlikely to reach a 16% reduction based on the locational context of the development.

V. MEPA AND STATE PERMITTING ISSUE

- a. BRPC Statement- The proponent should determine transit and non-motorized access and amenities in the EIR if they intend to include them in the GHG reduction strategy for mobile sources.
- b. Proponent's Response- Transportation measures are discussed in the GHG report.
- c. BRPC Staff Comments- The non-motorized and public transportation amenities are not positioned on the site for equal access when compared to automobile parking spaces. Alternative fuel vehicle/hybrid preferential spaces are not indicated on the striping plans.

VI. MEPA AND STATE PERMITTING ISSUE

- a. BRPC Statement- The EIR should analyze alternative configurations at the main drive more thoroughly, focusing specifically on vehicle delay and GHG emissions alternatives. Although the proponent provides evidence that improvements at the intersection of the main entrance to the site, along with Tyringham Rd. and Route 102, are needed, the proponent does not provide a roundabout alternative in addition to the proposed traffic signal. The GHG analysis is not required to consider mobile source pollution resulting from delay at the intersection, however, the proponent should evaluate whether a roundabout can accomplish the same level of service objectives as the proposed signal while increasing average speeds for vehicles entering/leaving and bypassing the site to further reduce GHG emissions. We believe that a roundabout in this location maybe particularly feasible because the main truck and non-motorized movements are entering and exiting this proposed development at secondary access points. Additional right-of-way may not be necessary to install a roundabout.
 - b. Proponent's Response- The mobile source component of the GHG analysis complies with MassDEP policy.
 - c. BRPC Staff Comment- Although the Secretary declined to require the intersection alternatives analysis including a roundabout in the SEIR, Staff believes a roundabout is a viable, environmentally conscious, safer, and less disruptive alternative to the proposed signal. However, Staff is confident that MassDOT will require the optimal configuration for the proposed traffic signal in the Chapter 61 permit.
- VII. MEPA AND STATE PERMITTING ISSUE
- a. BRPC Statement- The proponent should provide data related to locally produced foods and goods in comparison to products made and grown elsewhere that require a significantly higher energy output to bring to market. (Potentially negating GHG emission reductions gained with the strategies the applicant proposes.)
 - b. Proponent's Response- the issue of food supplies is beyond the scope of this report.
 - c. BRPC Staff Comment- The cost of embodied carbon is a significant factor.
- VIII. MEPA AND STATE PERMITTING ISSUE
- a. BRPC Statement- The proponent should include the Town of Tyringham on the distribution list for future MEPA submissions as the primary intersection provides the principal means of access to that town.
 - b. Proponent's Response- We provided Tyringham a copy of the SEIR.
 - c. BRPC Staff Comment- The proponent should continue to provide documentation to and accept comments from the Town of Tyringham.
- IX. MEPA AND STATE PERMITTING ISSUE
- a. BRPC Statement- The proponent should configure the driveway at the southern end of the site to allow adequate access and emergency access to Old Pleasant Street.
 - b. Proponent's Response- Access to Old Pleasant Street is unchanged.
 - c. BRPC Staff Comment- The proponent does not appear to impact access to Old Pleasant Street.
- X. LOCAL PERMITTING ISSUE
- a. BRPC Statement- The Town of Lee should not close public hearings on pending permits for this project prior to conclusion of the MEPA process. This will help to ensure that local permits and State requirements do not conflict, requiring reopening of local permitting processes.
 - b. Proponent's Response- The Town of Lee committed to keeping the hearing open until the MEPA process is completed.
 - c. BRPC Staff Comment- The Town's action resolves this comment effectively.
- XI. LOCAL PERMITTING ISSUE

- a. BRPC Statement- The Town of Lee should determine that it has the appropriate rules and regulations in place to hire outside consultants, at the proponent's expense, to review the project for zoning, infrastructure, transportation, wetlands, rare and endangered species and floodplain impacts. This potentially affects most local boards and commissions that have jurisdiction over some part of this project, including but not limited to the Planning Board, Zoning Board of Appeals, and Conservation Commission.
- b. Proponent's Response- The Town of Lee retained assistance for reviewing the proposal.
- c. BRPC Staff Comment- The Town and developer should continue a cooperative relationship.

XII. LOCAL PERMITTING ISSUE

- a. BRPC Statement- The Town should continue to proactively engage the proponent during the various local permitting and design review processes. Information should coordinate across the various boards, departments and agencies that will have to deal with aspects of this project and the developer to scope out the issues and information that will be necessary to carefully consider the project. It is all too easy to have differing requirements between local review and permitting boards. The Conservation Commission should include provisions for continuing inspections of stormwater management devices to insure that they are properly maintained.
- b. Proponent's Response- The Town of Lee retained assistance for reviewing the proposal.
- c. BRPC Staff Comment- The Town and developer should continue a cooperative relationship.

XIII. LOCAL PERMITTING ISSUE

- a. BRPC Statement- The proponent should take extreme care not to introduce invasive species, given the sensitive nature of the site, which includes Priority Habitat for Rare Species, Riverfront Protection Area, and Bordering Land Subject to Flooding.
 - i. The proponent should consider using an alternative method of silt-fencing and straw-baling to reduce the risk of the inadvertent introduction of invasive species since hay bales frequently contain seed stock from invasive plants. Alternatives include straw bales in place of hay bales or double silt fences, silt socks, or coconut fiber material which can be staked like a silt fence and obviates the need for hay bales. These products are available from a variety of manufacturers.
 - ii. Similarly, the proponent should carefully select all fill materials to protect against the introduction of invasive species.
 - iii. The proponent should provide a decontamination station for fishermen's waders/gear at if the public is able to access the Housatonic River accessed through this development. The proponent should maintain and enhance the state approved zebra mussel signage and decontamination information that currently exists at the site.
- b. Proponent's Response- The proponent does not respond specifically to this comment.
- c. BRPC Staff Comment- these comments should be considered when adopting the Order of Conditions.

XIV. LOCAL PERMITTING ISSUE

- a. BRPC Statement- Again, given the sensitive nature of the site, careful management of refueling and servicing of construction equipment and the consideration of the use of biodegradable plant-based hydraulic fluids is warranted.
- b. Proponent's Response- The proponent does not respond specifically to this comment.
- c. BRPC Staff Comment- this comment should be considered when adopting the Order of Conditions.

XV. LOCAL PERMITTING ISSUE

- a. BRPC Statement- The proponent should submit a photometric plan indicating that site lighting is adequate for safety and access within the site. The proponent should use dark-sky compliant full-cut off fixtures and minimize reflective surfaces in order to minimize glare when implementing their photometric plan for this development.
- b. Proponent's Response- The proponent does not respond specifically to this comment.
- c. BRPC Staff Comment- Special attention to photometrics should be considered when approving the site plan/special use permit.

XVI. OTHER RECOMMENDATIONS

- a. BRPC Statement- The proponent should work further with BRTA to designate transit circulation on the site and provide amenities that encourage the use of transit equally to passenger vehicles.
- b. Proponent's Response- The proponent is attempting to work through BRTA on transit service.
- c. BRPC Staff Comment- The proponent should continue attempting to facilitate transit service through BRTA.

XVII. OTHER RECOMMENDATIONS

- a. BRPC Statement- The proponent should consider providing some limited access to and views of the river. The proponent should work directly with the Lee Bike Committee, the Lee Land Trust, and other appropriate parties to discuss existing and future plans for multi-purpose pathways along the river and ensure the ability to connect to and through this site in the future.
- b. Proponent's Response- The proponent added gravel access to access a portion of the site. The riverfront portion of the site is not conducive to a riverwalk/boardwalk.
- c. BRPC Staff Comment- The proponent should contact the Lee Bike Committee for input related to the riverwalk concept.

XVIII. OTHER RECOMMENDATIONS

- a. BRPC Statement- The proponent should amend the O&M post-construction document. Maintenance of stormwater BMPs, especially for in-ground structures, is not intuitive. The plan should provide clear guidance so that a facility manager can follow the directions and maintain proper function of the BMPs. Built-up sediment reduces storage capacity and proper treatment function. We recommend the proponent:
 - i. Identify the legally-bound responsible party.
 - ii. Provide clear, practical guidance on when to clean the sediment/debris from the basins. The plan should state at what level the accumulated sediment should be cleaned out. This includes measurements for both the in ground structures and sediment forebays.
 - iii. Provide guidance on how to clean the sediment from the basins to answer these questions: Does the facility manager hire a contractor? Is the removal and destruction of established plants appropriate? Is a wetland permit needed for the work? Where is the removed sediment disposed of?

- b. Proponent's Response- The proponent anticipates that the Lee Conservation Commission will include the stormwater management program in the Order of Conditions. A site map was included in the revised stormwater management program.
- c. BRPC Staff Comment- The proponent and the LCC should continue to cooperate regarding future maintenance of the stormwater management system.

XIX. OTHER RECOMMENDATIONS

- a. BRPC Statement- The proponent should consider, to the extent feasible, reducing the amount of disturbed area (later to be turf) around the northern portion of the project.
- b. Proponent's Response- The disturbed area is reduced to the greatest amount possible.
- c. BRPC Staff Comment- The proponent should further refine the disturbance footprint whenever possible.

XX. OTHER RECOMMENDATIONS

- a. BRPC Statement- The planting plan should list native plants only. The use of native vegetation is most important in areas adjacent to wetland areas. Turf areas should use a deep-rooted grass or groundcover that reduces compaction and increases infiltration; The proponent should increase the quantity of trees with native, salt-tolerant stock, to enhance aesthetic appeal and provide cooling shade in the large open parking area.
- b. Proponent's Response- Landscaping was selected to accomplish the riverfront restoration, tolerate drought, and not introduce additional invasive species to the site.
- c. BRPC Staff Comment- The proponent reasonably addresses comments regarding landscaping.

XXI. OTHER RECOMMENDATIONS

- a. BRPC Statement- The proponent should provide substantive information regarding the placement of a solar PV array on the new grocery/retail building, as indicated at the on-site meeting on May 5, 2010. The DOER in Boston and the Center for Ecological Technology in Pittsfield are sources of information.
- b. Proponent's Response- PV is included in the current proposal.
- c. BRPC Staff Comment- The proponent reasonably addresses comments related to PV inclusion.

XXII. OTHER RECOMMENDATIONS

- a. BRPC Statement- BRPC respectfully requests that the Secretary stipulate that any future development proposed on this site proceed through the MEPA EIR review process, so to quantify and analyze the cumulative impacts of all stages of development, including work conducted as part of this project.
- b. Proponent's Response- The proponent does not specifically address this comment.
- c. BRPC Staff Comment- This comment remains relevant and should be a condition of the SEIR certificate.

XXIII. OTHER RECOMMENDATIONS

- a. BRPC Statement- Currently, the Massachusetts Turnpike and possibly other developed land to the north and northeast of this site discharge stormwater across an easement located in the northwestern corner of the property. The outfall is a thirty-six (36") inch pipe where water spills unchecked into the Housatonic River. BRPC requests that the Secretary of Energy & Environmental Affairs contact MassDOT to request that they consider whether they might undertake modifications to this outfall during the redevelopment of this site to improve water quality and properly regulate the rate of flow from this discharge which may serve the entire MassPike Exit 2 interchange. BRPC recognizes that this is not the project proponent's responsibility, but appreciates the proponent's willingness to consider any modifications to the outfall with MassDOT during this development process. We would hope that MassDOT might take advantage of this potential opportunity to reduce the environmental impact of one of its facilities.
- b. Proponent's Response- The proponent does not specifically address this comment.
- c. BRPC Staff Comment- This comment from the EENF CRC review remains applicable. The incremental opportunity to improve the outfall is realized most easily during this overall site is redevelopment.

These comments were approved by the BPRC Clearinghouse Review Committee as authorized by the Executive Committee on August 11, 2010

DRAFT