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Massachusetts Department of Environmental Protection

Section 61 Findings Pursuant to

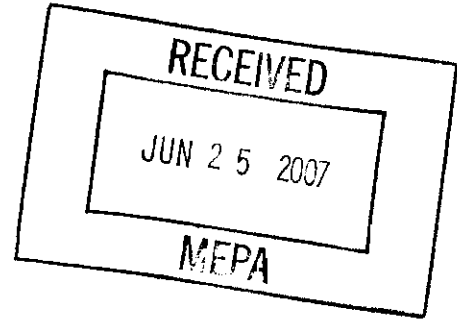
M.G.L Chapter 30, Section 61

Project Name: Brookmeadow Village

Project Location: Providence Road and Milford Road
Grafton, Massachusetts

Project Proponent: Brookmeadow Village LLC
67 Cape Road
Mendon, MA 01756

EOEA Number: 13608



These Section 61 Findings for the proposed Brookmeadow Village residential subdivision and adjacent commercial / public recreation development in Grafton, Massachusetts have been prepared to comply with the requirements of Massachusetts General Laws, Chapter 30, Section 61. Under M.G.L c.30, s. 61, state agencies and authorities are required to review, evaluate and determine the impacts on the natural environment of all works, projects, or activities conducted by them and to undertake all feasible means and measures to minimize and prevent damage to the environment. As part of any determination made, this law requires that state agencies and authorities issue a “finding” describing any impacts to the environment and certifying that all feasible measures have been undertaken to either avoid or minimize these impacts.

Project Description

The proposed project / preferred alternative is a 90-lot residential subdivision, 11,560 square foot commercial building, and proposed baseball field and soccer field, at combined properties located at 373 Providence Road, 377 Providence Road and 13 Milford Road in Grafton. The combined property size is 136.5 acres. Access to the residential component of the project will be via Providence Road and Milford Road, with a separate access for the commercial / recreation area via Providence Road.

The locally approved flexible plan has evolved as it moved through the local permitting process. This residential component contains 90 lots located in a residential zoning district. The proponent was required to purchase property in the abutting office/light industrial zoning district in order to gain access to Milford Road and Providence Road and be able to conform to the Grafton Subdivision Rules and Regulations. Under these regulations, new subdivision roadways that create new intersections with existing public streets must be separated at intervals between 600 and 1200 feet. Both the access roads as currently planned comply with this provision.

The current residential design has a total of 7,897.5 linear feet of road and 90 lots. As will be further discussed in the alternatives analysis, noticeable modifications to the plan have occurred in order to reduce environmental impacts and provide additional protection to sensitive wildlife habitat. Lot lines have been shifted and lot sizes have been reduced or

reconfigured to allow for protective covenants for areas adjacent to vernal pools and historic/archaeological areas of importance, and to eliminate the need for long individual driveways.

As noted in the previous section, the residential component has received local approval under the Town's Flexible Development Bylaw, which allows for greater density in exchange for increased open space. The current plan will require a limited project wetland crossing for the main access road from Milford Road, to be constructed to the minimal acceptable width required by the Grafton Planning Board. Approximately 7,295 sq. ft. of Bordering Vegetated Wetlands (BVW) will be altered and replicated in kind at a 1:1 ratio. The commercial and recreational component of the project (377 Providence Road) was introduced in response to local permit approval conditions associated with the original residential project. The proponent was encouraged by local officials to acquire the balance of the former Agway property in order to comply with permit conditions for the provision of recreational playing fields. In order to offset the cost of property acquisition, the proponent submitted a plan that included an 11,560 SF commercial building. This component of the current project results in a net increase in impervious surface of 0.59 acres. The 377 Providence Road component includes 84 feet of restored inland bank.

The site will be served by extended water and sewer connections from the South Grafton Water District, with emergency connections provided to both the Grafton Water District and the Whitinsville Water District. The proposed project will connect to the local wastewater system, with treatment at the Grafton Wastewater Treatment Facility. The proponent will bear all costs associated with installing the infrastructure necessary to connect to the local system. Over 7,000 feet of gravity sewer is proposed.

New impervious surfaces for the overall Brookmeadow Village project will total an estimated 11.16 acres. Land alteration includes clearing for roadways, infrastructure and building footprints / yard area and totals approximately 47.6 acres.

History of MEPA Review

The initial MEPA filing for the Brookmeadow Village project was an Expanded ENF filed on August 15, 2005, and noticed in the Environmental Monitor on August 24, 2005. The proposed project was for the development of 91 single-family residential units and associated infrastructure on an approximately 127-acre site. Impacts were reported to include approximately 80 acres of land alteration, approximately 12 acres of impervious surface, and construction of approximately 1.6 miles of water mains, 1.4 miles of sewer mains, and 1.5 miles of roadway. The project was undergoing MEPA review and was subject to a mandatory EIR because it involved alteration of 50 or more acres of land and resulted in creation of 10 acres or more of impervious area. In addition, it was undergoing MEPA review due to alteration of 5,000 or more square feet of Bordering Vegetated Wetland (BVW), construction of one-half mile or more of sewer mains, construction of a new roadway one-quarter or more miles in length, and because it may have involved destruction of an archaeological site listed in the Inventory of Historic and Archaeological Assets of the Commonwealth. The project required a 401 Water Quality Certification, a Distribution System Modification Permit, and a Sewer Extension Permit from DEP, as well as an Order of Conditions from the Grafton Conservation Commission (and on appeal only, a Superceding Order from DEP), and a Massachusetts Highway Department Access Permit for access to Route 122. A NPDES Construction Activities

Permit from the USEPA was also required. The Expanded ENF was submitted with a request for a Waiver of the mandatory EIR requirement for the project.

The Secretary's Certificate on the ENF was issued on September 30, 2005. The Secretary determined that the ENF did not demonstrate that the project would cause no Damage to the Environment or that ample and unconstrained infrastructure facilities existed. The Secretary further determined that certain aspects of the project had the potential to significantly impact the environment, and that an EIR was required. The Certificate included a scope that requested additional information regarding alternatives, cumulative impacts, land use, wetlands and wildlife habitat, water supply and water quality, wastewater, stormwater management and construction activities, archaeological and historical resources, transportation, sustainable design, and mitigation.

The Draft Environmental Impact Report (DEIR) for Brookmeadow Village was filed with MEPA on April 28, 2006, and noticed in the Environmental Monitor on May 10, 2006. The DEIR summarized local permitting activities since the filing of the ENF, noted a reduction in impacts and identified that an adjacent parcel had been purchased for the purpose of providing the Town with additional recreational playing fields that would have been difficult to accommodate on the original parcel. A small commercial activity (less than 12,000 square feet) was also proposed for the additional property.

The Secretary's Certificate on the DEIR was issued on June 16, 2006. The Certificate stated that the DEIR was inadequate and required the preparation of a Supplemental DEIR (SDEIR). The Certificate further stated that the DEIR adequately addressed many of the issues specified in the DEIR Scope, but that an SDEIR would be required to address the alternatives analysis, wetlands and wildlife habitat impacts, water supply protection and cumulative impacts associated with proposed development on an adjacent parcel.

The SDEIR was filed on December 15, 2006, and noticed in the Environmental Monitor on December 23, 2006. The SDEIR summarized local permitting efforts since the filing of the DEIR, included a Notice of Project Change describing activities on the former Agway property adjacent to the project site, an alternatives analysis comparing the preferred alternative to several other site configurations, a review of wetlands impacts and a wildlife habitat assessment, design changes made to protect vernal pools and other wetland resources, a water quality monitoring plan, recommendations to encourage sustainable design elements, and commitments to preserve sensitive historic and archaeological resources on the site.

The Secretary's Certificate on the SDEIR was issued on January 29, 2007. The Certificate stated that the SDEIR was adequate, and required the preparation of a Final EIR (FEIR). The Scope contained in the Secretary's Certificate on the SDEIR, and the subject of this FEIR, requested additional information regarding certification by the South Grafton Water District that the proposed project can be supplied with water under the Water Management Act requirements presently in place for the water district, the inclusion of a traffic study addressing impacts associated with the former Agway property, and updates to off-site traffic mitigation. In addition, comment letters received from EOT, DEP and MHC must be addressed as part of this FEIR.

State Permits Required

The following state and federal permits and actions are the responsibility of the Proponent:

- DEP – Section 401 Water Quality Certification
- DEP Water Distribution System Modification Permit
- DEP – Sewer Extension Permit
- NPDES Construction Activities Permit

Jurisdictional Summary

The project has received Orders of Conditions for activities within Bordering Vegetated Wetlands (BVW), and the buffer zone to BVW, specifically for a road crossing through the BVW and Bank associated with on-site wetlands. The road crossing is the only practical means of access to the Brookmeadow Village parcel from Milford Road.

Section 401 Water Quality Certification

As the project will result in alterations to more than 5,000 sq. ft. of BVW and Isolated Vegetated Wetland, an individual Section 401 WQC will be required from the Department. A Programmatic General Permit (Permit Number NAE-2005-4120) was issued by the New England District of the Army Corps of Engineers. In summary, the letter attached to the permit states that "...we have determined that the proposed activity, which includes a discharge of dredged or fill material into waters or wetlands, will have only minimal individual or cumulative environmental impacts on waters of the United States, including wetlands. Therefore, this work is authorized as a Category 2 activity under the attached Federal permit known as the Massachusetts Programmatic General Permit (PGP). This work must be performed in accordance with the terms and conditions of the PGP and also in compliance with." special conditions included in the actual transmittal letter and permit.

DEP Water Distribution System Modification Permit

The applicant has submitted Water Distribution System Modification Permit applications to the DEP in anticipation of providing connections to three local water systems.

The applicant will receive water from the South Grafton Water District. In return for the connection to the South Grafton Water District, the applicant has agreed to install a connection to a water main near the Grafton/Northbridge town line, which is supplied by the Whitinsville Water District. The applicant will also make a connection with the water main located on Milford Road owned by the Grafton Water District. These connections will provide all three water districts with alternative sources of water during an emergency. Correspondence with the various water districts, commissioners and public officials involved in these activities is included in the appendix to the SDEIR.

In addition, the applicant has committed to providing drainage improvements along Providence Road that will provide a greater degree of protection for the nearby water supply well operated by the South Grafton Water District.

DEP Stormwater Management Permit (BRP WM 08B) SWPPP and Compliance with Stormwater Management Policy

The Proponent has provided information to show compliance with the Massachusetts Stormwater Management Policy requirements.

Improvement of existing water quality at the site will be provided by elimination of discharges of untreated surface runoff from paved roadways, parking areas and driveways. In conformance with the Massachusetts Stormwater Management Standards, the drainage system incorporates several operational and design features to enhance the quality of stormwater runoff discharged from the site. These include:

- Street sweeping
- Four-foot deep sumps and hoods for all catch basins;
- First flush fore bays;
- Extended detention treatment /; and
- Water quality manholes.
- A maintenance program for the proposed stormwater drainage system has been developed to ensure its effectiveness. The maintenance program outlines maintenance operations, responsible parties and back up systems. The Operations and Maintenance (O&M) Plan specifies the following schedule:
 - Pavement to be swept a minimum of two times per year, or more often if required;
 - Catch basins, to be inspected quarterly. If sediment is within 8 inches of the outlet hood of the catch basin, the sediment is to be removed by a vacuum truck within 2 weeks;
 - Extended detention basins to be inspected once a year in the spring for side slope stability; embankment condition; sediment accumulation; inlet/outlet obstructions and vegetation overgrowth.
 - Sediments will be removed from the detention basins at least once every 5 years and more often if accumulation is observed higher than the invert of inlet pipes; and
 - Any disturbed landscaped areas following completion of construction will be covered with wood chips, wood mulch, or hydroseed and straw to minimize the loss of soil and accumulation of sediment in catch basins and detention basins.

Construction phasing has been coordinated with local officials to minimize potential disturbance to resource areas, and focused on erosion control and avoidance of wetland impacts. Initial roadway segments into the parcels will

be constructed along with associated detention basins, which will be stabilized immediately and available for use as sediment basins. Roadway side slopes will be temporarily stabilized in order to limit right-of-way openings and allow for utility installation. Other more specific conditions included in the local approvals include the following:

- The applicant shall check, maintain and replace erosion control barriers and limit of work markers as necessary until all construction is complete. Erosion control barriers in specific locations shall be removed earlier at the authorization/direction of the Conservation Commission or its Agent if determined to be necessary for wildlife migration / movement. Workers shall be informed that no use of machinery, storage of machinery or materials, stockpiling of soil or construction activity is to occur beyond this line at any time;
- Under no conditions shall operation of equipment, storage of materials, stockpiling of soil or other site disturbance take place on the wetland side of the limit of work line, nor shall stockpiling or storage of fill or materials take place within 25 feet of the limit of work line. Soil stockpiles must be stabilized or covered at the end of each workday. Stockpile side slopes shall not be greater than 1:1. All stockpiles shall be surrounded by erosion control barriers.
- The applicant shall designate a qualified erosion control monitor, approved in writing by the Conservation Commission, to oversee any emergency placement of controls and regular inspection or replacement of erosion and sedimentation control devices. The name and phone number of the monitor must be provided to the Commission in the event that this person has to be contacted due to an emergency at the site, during any 24-hour period, including weekends. The applicant shall give the Erosion Control Monitor authority to stop construction for erosion control purposes. The Erosion Control Monitor will be responsible for inspecting all such devices and overseeing cleaning and the proper disposal of waste products. Cleaning shall include removal of any entrapped silt as necessary. The applicant shall implement the recommendations of the Erosion Control Monitor.
- The applicant shall require the Erosion Control Monitor to inspect all erosion control devices and limit of work markers at least weekly, and within 24 hours of each ½ inch or greater rain event until the completion of the work. The Erosion Control Monitor shall also inspect down-gradient resource areas, any visible culverts, and/or installed drainage structures for evidence of silt/erosion. All areas of previously completed construction shall be inspected for stabilization. The Erosion Control Monitor shall prepare and submit to the Conservation Commission monthly reports. The reports must document the dates and times of inspections, any conditions found that required maintenance, actions taken, and any recommendations for future actions.

Sewer Extension Permit

The applicant proposes to connect to the existing Grafton sewer system, and has submitted a DEP Sewer Connection Permit application to the DEP in anticipation of providing connections to the local sewer system. The applicant has agreed to fund the upgrade of an existing sewer pump station in return for access to the municipal sewer system.

Findings

For the reasons stated above, the Department hereby finds that, with the implementation of the mitigation measures described above by the Proponent, all practicable means and measures will be taken to avoid or minimize adverse impacts to the environment resulting from the Brookmeadow Village Project. Appropriate and more detailed conditions will be included in the Access Permit to be issued by the Department that will describe more fully and assure implementation of the mitigation measures described in this Finding. These findings are limited to the subject matter jurisdiction of the State Permits sought from State Agencies, in this case, the DEP.

Paul R. Anderson

Deputy Regional Director

BRP - CERO

6/6/07

Date