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January 9, 2008

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE

PROJECT NAME : Greenbrier Condominiums
PROJECT MUNICIPALITY : Seekonk
PROJECT WATERSHED : Narragansett Bay
EEA NUMBER : 13450
PROJECT PROPONENT : RI Seekonk Holdings LLC
DATE NOTICED IN MONITOR : December 10, 2007

Pursuant to the Massachusetts Environmental Policy Act (G. L., c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I determine that this project **requires** the preparation of an Environmental Impact Report (EIR).

Previously Reviewed Project

As originally described in the Environmental Notification Form (ENF) filed in February 2005, the project entailed the construction of a 160-unit residential rental development on a 76.1-acre site that was formerly used for gravel removal. The project was to be developed pursuant to M.G.L. c.40B s.22 and include 40 affordable housing units. The project site, located east of Fall River Avenue (Route 114A), north of its interchange with I-195, has been largely disturbed and in some areas is sparsely vegetated. The original project included an on-site wastewater treatment facility, with a design capacity of 120,500 gallons per day (GPD).

The original project development was estimated to result in the alteration of 23.6 acres of land and the creation of 8.4 acres of new impervious area. Approximately 1,260 square feet (sf) of Bordering Vegetated Wetlands (BVW) were to be altered, and subsequently replicated on-site. The construction of 160 housing units was estimated to generate 1,000 new vehicle trips per day, along with the construction of 224 exterior parking spaces. The project would generate 46,250 GPD of wastewater and require 46,250 GPD of water for domestic use.

Project Change Description

The Notice of Project Change (NPC) involves the reconfiguration and expansion of the previously reviewed project and the requirement for new or modified permits. The project reviewed under the ENF included the development of northern portion of the site, with the southern portion of the site reserved for future uses. The current project includes a reconfiguration of buildings and units on the northern portion of the site, and the development of condominiums on the southern part of the site. The project will now include 248 units of housing on the northern portion of the site, with the design of a new loop-road extension and the creation of an interior landscaped "pond". The southern portion of the site will include the construction of a new cluster-development of six residential condominium buildings and a community center. The southern portion of the site will include an additional 192 housing units. This portion of the site will be accessed via a separate vehicular ingress and egress off Cole Street (the result of the acquisition of an additional 2.5-acre parcel since the filing of the ENF). An emergency-only through access grassed driveway will be provided between the northern and southern development areas. The project will also include a management office, community common area, laundry-service facility, walking trails, gazebo and designated fishing areas.

The overall project site has increased in area by 2.5 acres, to a total of 78.6 acres. The total amount of land altered for the proposed project is estimated at 46.4 acres, with new impervious areas totaling 17.5 acres in area. The ENF noted that the project would alter approximately 1,260 square feet (sf) of Bordering Vegetated Wetlands (BVW); the NPC states that approximately 99,550 sf of BVW will be altered as part of an enhancement project. The project will include 440 housing units with an overall gross square footage of 612,000 sf. New vehicle trips per day associated with the project are estimated at 2,520, with a total of 514 exterior parking spaces (450 additional spaces will be provided in interior garages). Overall water use is estimated at 120,500 gallons per day (gpd), with 120,500 gpd of wastewater discharge. The project is no longer being proposed under a Comprehensive Permit Application in accordance with M.G.L. Chapter 40B.

Jurisdiction

This project requires the preparation of a mandatory EIR pursuant to Sections 11.03(1)(a)(2) and Section 11.03(3)(a)(1)(a) of the MEPA regulations because the project will require a State agency action and will result in the creation of ten or more acres of impervious area and will result in the alteration of one or more acres of BVW. The project will require a Section 401 Water Quality Certificate (401 WQC) and a Sewer Extension Permit from the

Massachusetts Department of Environmental Protection (MassDEP). The project will need to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit from the U.S. Environmental Protection Agency (U.S. EPA) for stormwater discharges from a construction site of over one acre. The project will require an Order of Conditions from the Seekonk Conservation Commission (or a Superseding Order of Conditions from the MassDEP if the local Order is appealed) for work within wetland resource areas. The project has a valid Groundwater Discharge Permit (MADEP File No. SE 0-823) that permits a total discharge of 120,500 gpd and a MassHighway Access Permit (MHD Permit No. 5-2006-0602). These permits were approved for the project as presented in the ENF. MassHighway has indicated that a modified access permit to Route 114A will be required.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that may have significant environmental impacts and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction exists over land, stormwater, wetlands, wastewater, and transportation.

SCOPE

General

The EIR should follow Section 11.07 of the MEPA regulations for outline and content, as modified by this scope. The DEIR should include a copy of this Certificate.

Project Description and Permitting

The DEIR should include a detailed description of the proposed project and characterization of the existing environment in compliance with 301 CMR 11.07(e) and (g). The DEIR should provide a brief description and analysis of applicable statutory and regulatory standards and requirements, and a description of how the project will meet those standards. The DEIR should include a list of required permits and approvals and provide an update on the status of each permit and/or approval.

Alternatives

The DEIR should analyze the following alternatives:

- A No-Build Alternative;
- A Reduced Impact Alternative, consistent with a 401 WQC alternatives analysis, which incorporates low-impact design techniques and minimizes overall impact to wetland resource areas and associated buffer zones; and,
- A Preferred Alternative.

It is possible that subsequent to the completion of the alternatives analysis, that the Preferred Alternative will be modified in comparison to that presented in the NPC. The alternatives analysis in the DEIR should demonstrate 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, drainage, wastewater, and wetlands 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 identify and explain any project phasing, including potential impacts on construction sequencing and traffic patterns. It should discuss how this project is compatible with Executive Order 385 – Planning for Growth, by discussing its consistency with local land use plans and applicable regional plans.

Land

The proposed project will alter approximately 46.4 acres of land and create 17.5 acres of impervious area on the 78.6-acre project site. The DEIR should present existing and proposed grades at a reasonable scale on site plans, and summarize conceptual cuts and fills to prepare development parcels and to construct stormwater management facilities and wetland enhancement areas. The DEIR should summarize assumptions used to calculate anticipated land alteration and impervious areas within the ENF. The DEIR should depict those areas that will be cleared to facilitate construction, with an emphasis on retaining vegetative cover to the maximum extent practicable. The DEIR should discuss how building and exterior parking layout was determined in an effort to confirm minimization of land alteration and impervious areas.

Stormwater

The project will include the addition of approximately 17.5 acres of new impervious surfaces on a 78.6-acre project site. The DEIR should include drainage calculations, stormwater system design plans at a readable scale, best management practice (BMP) designs and models for proprietary BMPs, and a clear description of the stormwater management plan to affirm that the stormwater system design is in conformance with the MassDEP Stormwater Management Policy (SMP). The proponent is reminded that revisions to the SMP, and incorporation of the policy into the wetlands and 401 Water Quality Certification regulations, took effect on January 2, 2008. The DEIR should include a description of the proposed drainage system design, including a discussion of the alternatives considered along with their impacts. The DEIR should discuss the feasibility of maximizing stormwater infiltration and identify the quantity and quality of flows.

The DEIR should demonstrate that source controls, pollution prevention measures, erosion and sedimentation controls during construction, and the post-development drainage system for the project are designed in compliance with the SMP and standards for water quality and quantity impacts. The DEIR should present an operation and maintenance plan for the

drainage system to ensure its effectiveness. This plan should be consistent with the Stormwater Pollution Prevention Plan required under the NPDES Construction General Permit and should outline the actual maintenance operations, sweeping schedule, responsible parties, and back-up systems. Consideration should be given as to the location of snow removal and sanding operations on-site.

Low Impact Development

The DEIR should discuss the opportunities to incorporate low impact development (LID) stormwater runoff controls into the project. The DEIR should address how and why LID techniques may or may not be integrated into the overall site design and stormwater management system. The primary tools of LID are the use of landscaping features and naturally vegetated areas in site design, which encourage the detention, infiltration and filtration of stormwater on-site, and the in-basin recharge of groundwater resources. Other tools include water conservation and use of pervious surfaces. LID can also protect natural resources by incorporating wetlands, stream buffers and mature forests as project design features. For more information on LID, visit <http://www.mass.gov/envir/lid/>. Other LID resources include the national LID manual (Low Impact Development Design Strategies: An Integrated Design Approach), which can be found on the EPA website at: <http://www.epa.gov/owow/nps/lid/>. If LID techniques are not included in the Preferred Alternative, the DEIR should demonstrate why such techniques were not feasible or applied to the project site.

Wetlands

The DEIR should provide plans at an appropriate scale to accurately discern the location of each wetland area regulated, including vernal pools, under the Wetlands Protection Act (WPA) located on the project site. Each wetland resource area should be characterized according to 310 CMR 10.00. To aid in the review process, the DEIR should clearly differentiate which resource areas are jurisdictional under local, state, and federal regulations. The DEIR should address the significance of the State-regulated wetland resources on site, including public and private water supply; riverfront areas; flood control; storm damage prevention; fisheries; shellfish; and wildlife habitat. The DEIR should provide an accurate measurement of each wetland resource area that will be affected by the project and describe the amount of alteration of enhancement necessary to achieve the Preferred Alternative.

The DEIR should demonstrate that all wetland impacts have been avoided, and where unavoidable impacts occur, impacts are minimized and mitigated. The DEIR should demonstrate that the project will be accomplished in a manner that is consistent with the Performance Standards of the Wetlands Regulations (310 CMR 10.00). Consistency of the proposed wetland impacts with the MassDEP 401 WQC regulations and associated alternative analysis should be demonstrated in the DEIR.

Proposed activities, including construction mitigation, erosion and sedimentation control, phased construction, and drainage discharges or overland flow into wetland areas, should be evaluated. The DEIR should specifically address the impact, if any, to the 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 construction.

Mitigation for wetland alteration includes the replication or enhancement of wetland resource areas on-site. The DEIR should clarify which portions of the project would be classified as replication or enhancement in accordance with applicable MassDEP regulations. The DEIR should identify potential replication or enhancement areas, quantify the amount of replication or enhancement area to be provided and if feasible, include hydrologic data to support these wetland alteration plans. The DEIR should include a discussion of project consistency with MassDEP's Inland Wetland Replication Guidelines (dated March 2002), if applicable. The DEIR should include a narrative describing sequencing and methodology for the proposed enhancement.

Wastewater

The project has already obtained a Groundwater Discharge Permit (MA DEP File No. SE 0-823) from MassDEP. The permitted discharge flows include discharges from the entire project (both the northern and southern portion), for a total flow of 120,500 gpd. The DEIR should clarify if any additional modifications to this permit are necessary to accommodate the expanded project. Additionally, the DEIR should discuss the requirement for a sewer extension permit from MassDEP for the project, indicating on site plans where this extension will be located and how the project will comply with applicable performance standards.

Transportation

The project is estimated to generate approximately 2,520 new vehicle trips per day. While these estimates do not exceed MEPA thresholds, the project will require a modified MassHighway Access Permit. Therefore, the DEIR will require additional traffic studies to determine the scope of traffic mitigation measures, if necessary. The DEIR should clarify those mitigation measures that will remain in place, or identify additional measures to be undertaken, beyond those outlined in the Certificate on the ENF, dated March 11, 2005.

The DEIR should include a traffic study prepared in conformance with EOEEA/EOTPW Guidelines for EIR/EIS Traffic Impact Assessments. The proponent should provide a clear commitment to implement mitigation measures, including a bypass lane on Route 114A, to accommodate through traffic. The DEIR should present capacity analyses and a summary of average and 95th percentile vehicle queues for each intersection within the study area. MassHighway may require the proponent to prepare new signal permits for any signals that may require signal timing and modifications. Any proposed traffic signal within the study area must include a traffic signal warrant analysis according to the Manual of Uniform Traffic Control Devices (MUTCD) standards.

At a minimum, the traffic study should analyze the following state highway and local roadway locations:

- The Route 114A/County Street intersection;
- The Route 114A/Cole Street intersection; and
- The Route 114A/I-195 ramps intersection.

I encourage the proponent to work with the MassHighway District 5 Office prior to the preparation of the traffic study to confirm the study area and methodologies. The DEIR should include conceptual plans for the proposed roadway improvements, preferably 80-scale, with sufficient details to verify the feasibility of constructing such improvements. The conceptual plans should clearly show proposed lane widths and offsets, layout lines and jurisdictions, and the land uses (including access drives) adjacent to areas where improvements are proposed.

The proponent should provide a clear commitment to implement mitigation measures and should describe the timing of their implementation based on the phases of the project, if any. Mitigation within the state highway layout must conform to MassHighway standards, including but not limited to, provisions for lane, median and shoulder widths, and bicycle lanes and sidewalks. The proponent should investigate multimodal connections in the area, including access to connections to the MBTA Commuter Rail Station in Attleborough.

Greenhouse Gas Emissions (GHG)

This project is subject to the EEA Greenhouse Gas Emissions Policy and Protocol, and the DEIR must demonstrate consistency with the analysis and mitigation provisions therein. The Policy is available on-line at <http://www.mass.gov/envir/mepa/pdf/files/misc/GHG%20Policy%20FINAL.pdf>.

The proponent should calculate and compare GHG emissions associated with: 1) a code-compliant baseline (the sum of direct emissions from stationary sources and indirect emissions from energy consumption and transportation); 2) the preferred alternative (the sum of direct emissions from stationary sources, indirect emissions from energy consumption, and transportation for the project as proposed); and 3) project alternatives with greater GHG emissions-related mitigation than the preferred alternative. Note that the proponent is required to quantify mitigation benefits. The Appendix to the Policy contains a partial, non-exhaustive list of measures to reduce GHG emissions.

When comparing the preferred alternative to other alternatives with greater GHG reduction, the proponent should explain which alternatives were rejected, and the reasons for rejecting them. The alternatives 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 fully explain any trade-offs inherent in the evaluation of GHG reduction measures, such as increased impacts on some resources to avoid impacts to other resources.

Construction Period Impacts

The DEIR should discuss potential excavation and construction period impacts (including but not limited to noise, vibration, dust, and traffic flow disruptions) and analyze and outline feasible measures that can be implemented to eliminate or minimize these impacts. The proponent must comply with MassDEP's Solid Waste and Air Quality Control regulations during construction. I encourage the proponent to incorporate construction waste recycling activities as a sustainable measure for the project. The proponent should consult with MassDEP for appropriate standards and guidelines for managing construction waste.

I encourage the proponent to mitigate the construction period impacts of diesel emissions to the maximum extent feasible. This mitigation may be achieved through participation in the MassDEP Diesel Retrofit Program. The proponent should work with MassDEP staff to implement construction-period diesel emission mitigation, which could include the installation of after-engine emission controls such as oxidation catalysts or diesel particulate filters. MassDEP has recommended that the proponent use ultra low sulfur diesel (ULSD) fuel in off-road engines. If the proponent intends to participate in these initiatives, a commitment should be outlined in the DEIR.

Mitigation

The DEIR should include a separate chapter summarizing proposed mitigation measures. This chapter should also include draft Section 61 Findings for each state agency that will issue permits for the project. The draft Section 61 Findings should contain clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation.

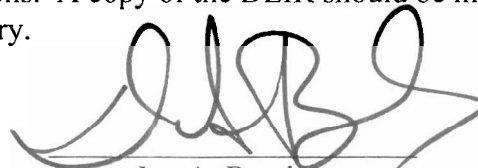
Comments/Circulation

The DEIR should contain a copy of this Certificate and a copy of each comment letter received. The DEIR should respond fully to each substantive comment received to the extent that it is within MEPA jurisdiction. The DEIR should present additional technical analyses and/or narrative as necessary to respond to the concerns raised.

The proponent should circulate the DEIR to those parties who commented on the ENF, to any state agencies from which the proponent will seek permits or approvals, and to any parties specified in section 11.16 of the MEPA regulations. A copy of the DEIR should be made available for review at the Seekonk Public Library.

January 9, 2008

Date



Ian A. Bowles

Comments Received:

12/19/2007 Lee B. Dunn
12/31/2007 Massachusetts Department of Environmental Protection - SERO
01/02/2008 Massachusetts Department of Environmental Protection – SERO- Division of
Wetlands and Waterways
01/07/2008 Executive Office of Transportation and Public Works

IAB/HSJ/hsj