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January 27, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Old English Square
PROJECT MUNICIPALITY : Holbrook
PROJECT WATERSHED : Weymouth and Weir Rivers
EOEA NUMBER : 13587
PROJECT PROPONENT : Old English Square LLC; c/o Mullins Company
DATE NOTICED IN MONITOR : December 21, 2005

As Secretary of Environmental Affairs, I hereby determine that the Draft Environmental Impact Report(EIR) submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00).

The project originally underwent MEPA review in September 2005. As described in the Expanded Environmental Notification Form (EENF), the proposed project consists of the two distinct phases. Phase One (Phase I) is the redevelopment and building of a retail-commercial component and Phase Two has three separate phases of residential housing. Phase I will consist of the construction of a "Retail Village" in the upland northern portion of the project site adjacent to Union Street (Route 139), previously developed as a bowling alley and golf driving range. Approximately 50,3000 square feet of new retail/commercial space in a one-story building and four two-story buildings will be constructed with associated bituminous access driveways, utilities and landscaping. The 12,060 square foot one story building currently housing a bowling alley will be renovated and 280 surface parking spaces will be provided. Phase Two of the project is divided into three more phases (Phase II, III and IV). Phase II consists of approximately 211 residential condominium units of which 84 units will be senior affordable housing. Phase III consists of a 3 lot single family subdivision, and Phase IV will consist of 50 affordable rental

units for 55 years and older. Phases II-IV will have internal access roads and associated driveways, utilities, landscaping and parking. The proponent was granted a Phase I Waiver through a Final Record of Decision on October 12, 2005 for the Phase One portion of the project which is the redevelopment and building of a retail-commercial component.

This project is subject to a mandatory EIR pursuant to Sections 11.03(1)(a)(2), 11.03(6)(a)(6), 11.03 (10)(b)(2), 11.03(2)(b)(1), and 11.03 (3)(b)(d) of the MEPA regulations because it creates ten or more acres of impervious area, generates 3,000 or more new vehicle trips, destruction of any part of any Archeological Site listed in the Inventory of Historic and Archeological Assets of the Commonwealth, alteration of designated significant habitat, and includes the alteration of 5,000 or more square feet of bordering or isolated vegetated wetlands. The project will require a Sewer Connection/Extension Permit and a 401 Water Quality Certification from the Department of Environmental Protection (DEP). The project will also require a Conservation and Management Permit from the Natural Heritage and Endangered Species Program (NHESP). It must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. The project requires approval from the Holbrook Planning Board, an Order of Conditions from the Holbrook Conservation Commission and a Comprehensive Permit from the Holbrook Zoning Board of Appeal pursuant to M.G.L. Chapter 40B (and hence an approval from the Massachusetts Housing Appeals Committee in the event of an appeal of the local Comprehensive Permit). Because the proponent is seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to all aspects of the project that may have significant environmental impacts.

After reviewing the Draft EIR, I find that the Draft EIR has addressed the issues within MEPA jurisdiction to a sufficient extent that the project may advance to the stage of a Final EIR. The Draft EIR has provided a reasonably complete and stand-alone description and analysis of the project and its alternatives, and has adequately addressed mitigation for a Draft EIR document. In the Final EIR, I will thus allow the proponent to address the substantive comments received and to focus on the outstanding issues that still remain that are within MEPA jurisdiction, as described below. Further information is required before I can find that the proponent has met its obligations under MEPA to avoid, minimize or mitigate Damage to the Environment to the maximum feasible extent; and before the state permitting and financial agencies can meet their Section 61 obligations.

I remind the proponent that if the project should change the proponent should file a timely Notice of Project Change that fully explains any changes and their potential environmental impacts.

General:

The Final EIR should contain a copy of this Certificate and a copy of each comment received. The proponent should circulate the Final EIR at a minimum to those parties submitting

written comments on the Draft EIR, and to any state agency from which the proponent will seek permits or approvals.

The Final EIR may incorporate by reference those portions of the Draft EIR that do not require further analysis. The Final EIR should address the issues outlined below and the substantive issues raised in the comments received.

Comments:

The Final EIR should respond to the comments received (to the extent that the comments are within MEPA jurisdiction), presenting additional analysis as appropriate to address the concerns raised. In particular, the Final EIR should include the necessary additional technical analysis to respond to the substantive comments.

Wastewater:

The Draft EIR describes that Phase I, the retail component, of the project will no longer be served by an on-site sewage disposal system (septic system). Because wastewater from Phase I will now be discharged to the municipal sewer system, the requirement for infiltration and inflow (I/I) removal will increase to about 51,185 gallons per day. The proponent has made a commitment to provide I/I removal, and the town of Holbrook is identifying areas where I/I removal is needed and is establishing a Sewer Bank program to facilitate I/I mitigation work.

Wetlands/Water Quality:

The Draft EIR proposes 5076 square feet (s.f.) of bordering vegetated wetlands (BVW) alteration for access to buildable portions of the site in Phase II and 9000 s.f. of alteration of isolated vegetated wetlands (IVW) for Phase IV. The proponent should consult with DEP to ensure that the Final EIR contains the appropriate plans and narrative. The Final EIR should describe the areas of wetland alteration that are proposed under the limited project provisions and apply the relevant performance standards.

As stated in the EENF Scope, the EIR should analyze indirect impacts to wetlands from receipt of drainage and stormwater runoff from the site. However, this detail was not provided for two of the phases of the project. The development is comprised of four phases: Phase I is the retail component; Phase II is the condominium component (located behind the retail component); Phase III is the subdivision; and Phase IV is the 50 rental units. The Draft EIR states that the complete stormwater analyses for Phases III and IV will be completed at a later date. The Final EIR must contain the stormwater analysis for Phase III and IV beyond the conceptual drawings provided in the Draft EIR. The Final EIR should discuss the consistency of the stormwater management plan with DEP guidelines, and should include a schematic drainage plan. The Final EIR should also address in detail the issues raised by DEP.

The Final EIR should also contain additional information to better understand the existing drainage patterns to the wetland resource areas, particularly the drainage patterns to the vernal pools and the Cochato River. The watershed plans provided exclude the wetland areas. The Final EIR should clearly show that the stormwater contribution to the vernal pools would be maintained in post-development. The Final EIR should also contain information on the source controls and pollution prevention measures that will be included in the stormwater control plan for compliance with the total suspended solids removal requirements in the Stormwater Management Policy Standard 4. The Cochato River is an impaired waterbody. Therefore, the Final EIR should incorporate measures in the stormwater plan to minimize the use of pesticides and herbicides, road salt, and pet waste.

Archaeology:

As stated in the EENF Scope, the site contains six important ancient Native American archaeological sites and the proponent should attempt to avoid impacts to these sites. The Final EIR should clarify that the proposed fencing will protect the Lake Holbrook Site (19-NF-139) from erosion impacts from heavy off-road impacts. The proponent should also consider the option to reroute off-road vehicles in the Final EIR. The Final EIR should not contain the archaeological report.

The Final EIR should work the Massachusetts Historical Commission's (MHC) to provide an option such as the placing a vegetative buffer between the proposed project site and the adjacent Holbrook Cemetery, which is on MHC's inventory.

Rare Species:

The project site contains habitat for the Spotted Turtle (*Clemmys guttata*), a state Species of "Special Concern". The proponent has been engaged in permitting consultations with NHESP and is in the process of developing project plans and associated mitigation to meet the permitting standards for a Conservation and Management Permit.

NHESP has commented, and I concur, that the Final EIR should contain information that eliminates work within the 200-foot Riverfront Area (off of English Road). To the extent practical, lot lines for single family homes (lots 2-5) should be altered such that as much of the Riverfront Area as possible is included in the open space parcel.

Transportation:

The proponent has prepared a traffic study for the project. However, further calculations will be required. More than half of the residential units are proposed as over 55 housing (87 condominiums and 50 apartments). Trip generation rates in the Draft EIR for these units are

based on ITE elderly housing rates, which result in estimates of 10 and 15 trips from 137 units in the AM and PM peak hours, respectively. Residents of over 55 housing do not have the same trip generation characteristics as “seniors” under the ITE categories. The actual trip generation rates for these proposed units are likely to be comparable to those normally used for condominiums and apartments. This will lead to much higher trip generation estimates. Therefore, the Final EIR must contain the proper calculations to reflect these higher expected trip totals. In addition, information about the impact and mitigation must be included in the Final EIR.

Transportation Demand Management:

The Draft EIR outlined the proponent’s Transportation Demand Management (TDM) Program. However, the proponent has not provided the level of TDM commitments that would normally be required to satisfy the town of Holbrook’s zoning by-law. The proponent should work with the town of Holbrook to assure that the town is satisfied with the TDM commitments. The Final EIR should contain any further TDM measures.

Public Transit:

The Final EIR is in close proximity to the MBTA commuter rail station. The design and mitigation in the Draft EIR, however, does not take advantage of this opportunity to promote public transit, walking and bicycling as an alternative way of getting around. The Final EIR should attempt to reduce the number of auto trips that will be added to the already congested intersections by promoting and providing mitigation such as better access to public transportation. The proponent should work closely with the Metropolitan Area Planning Council on this issue.

Pedestrian and Bicycle Facilities:

The Draft EIR shows where sidewalks currently exist in a map of the project site and where the proponent proposes sidewalks. However, the current site provides no connection between the 50 apartment units and 5 new single family homes and the rest of the commercial and residential uses on the site. The Final EIR document should strive to allow more pedestrian connections on that part of the site. In addition, it should also contain a design to encourage more walking and biking for the rest of the site.

The Draft EIR describes mitigation that includes signals and turning lanes on Route 139 at the site driveways, and the sidewalks along only the project frontage on Route 139. The Final EIR should strive toward making the project site more accessible for bicyclists and pedestrians, as reflected in MassHighway’s policy in the Project Development and Design Guidebook. The proponent should work closely with the Metropolitan Area Planning Council to develop this mitigation.

Sustainable Design:

The Draft EIR presents a number of ways the proponent will incorporate cost-effective sustainable design elements and construction practices into the project. The Final EIR should contain details on these commitments. The Draft EIR also indicates that the residential units will be designed to accommodate recycling systems. The Final EIR should contain more information on the estimates of the solid waste generated annually and define the commitments to recycling. The proponent should attempt to establish a goal for both construction and post-construction recycling and provide information on the opportunities to use recycled materials.

Construction:

I commend the proponent for the commitment to require the contractors to participate in the DEP Diesel Retrofit Program to mitigate adverse construction impacts from diesel emissions. This commitment should be included in the Section 61 Finding and mitigation section of the Final EIR.

Mitigation:

The Final EIR should include an updated summary of all mitigation measures to which the proponent has committed. The Final EIR should include revised Proposed Section 61 Findings, including any additional mitigation commitments that emerge from the EIR process.

January 27, 2006

Date


Stephen R. Pritchard

Comments received:

01/11/06	Division of Fisheries & Wildlife, NHESP
01/20/06	Katherine Connolly
01/23/06	Department of Environmental Protection, NERO
01/24/06	Metropolitan Area Planning Council
01/25/06	Massachusetts Historical Commission

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