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May 8, 2009

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

PROJECT NAME : Auburn Hills Open Space Residential Development
PROJECT MUNICIPALITY : Auburn
PROJECT WATERSHED : Nashua
EOEA NUMBER : 14396
PROJECT PROPONENT : Brendan Properties Auburn Realty Trust
DATE NOTICED IN MONITOR : April 8, 2009

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

Project Description

As described in the Environmental Notification Form (ENF), the proposed project involves the phased construction of a 200-lot residential subdivision on a 352-acre site off Rochdale Street in Auburn. The project site is a compilation of parcels owned by five entities, all of which are owned by or are under agreement for purchase by the Proponent. The project includes the demolition of a historic building foundation, and the construction of 200 4-bedroom single family houses, a soccer and baseball field with a children's playground and potentially an adult exercise facility. The project will also include the construction of approximately 17,890 linear feet (lf) of access driveway and internal roadway with sidewalks, and related utilities and stormwater management infrastructure. The project is being proposed under the Town of Auburn's Open Space Residential Development zoning bylaw and approximately 187 acres of the project site will remain as open space. The project will result in approximately 14.5 acres of new impervious area. The proposed project will be developed in six phases over an eight year period, with no more than 35 houses built in any single year.

The project will generate approximately 1,968 new average daily trips (adt) and will include the construction of 30 new parking spaces. Vehicle access to the site will be provided via two separate site drives located along Rochdale Street. The project's estimated water supply

demand (88,000 gallons per day (gpd)) and wastewater flows (88,000 gpd) will be served by individual private on-site water supply wells, and connection to municipal sewer, respectively. The project also includes the construction of approximately 4.5 miles of new sewer main within municipal roadway right-of-ways and on-site. The Proponent has committed to roadway improvements, including the reclamation of Rochdale Street from West Street to 800 feet east of the Leicester Street. The project will convert approximately 13.5 acres of land in agricultural use to nonagricultural use. Wetlands impacts associated with the project include alteration of 3,250 square feet (sf) of Bordering Vegetated Wetlands (BVW), 160 sf of Land Under Water, 300 lf (of which 180 lf is permanent and 120 lf is temporary) of Bank and 305,000 sf of Riverfront Area. The project site is mapped as Priority Habitat under the Massachusetts Endangered Species Act (MESA).

MEPA Jurisdiction and Required Permits

The project is undergoing review and requires the preparation of a mandatory EIR pursuant to Sections 11.03(1)(a)(1) and 11.03(1)(a)(2) of the MEPA regulations because it will result in the direct alteration of 50 or more acres of land and the creation of ten or more acres of impervious area. The project is also undergoing MEPA review pursuant to Sections 11.03(5)(b)(3)(c) and 11.03(10)(b)(1) because it involves the construction of one or more new sewer mains for one-half or more miles in length outside of existing roadways and the demolition of a historic structure listed in the Inventory of Historic and Archeological Assets of the Commonwealth.

The project requires a Sewer Extension/Connection Permit, from the Massachusetts Department of Environmental Protection (MassDEP); an Order of Conditions from the Auburn Conservation Commission (and on appeal only, a Superseding Order from MassDEP); a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the US Environmental Protection Agency (EPA); an individual Section 404 Permit from the U.S. Army Corps of Engineers; review by the Natural Heritage and Endangered Species Program under MESA; review by the Massachusetts Historical Commission (MHC); and a State Archaeologist's Permit from MHC. The project is subject to the EEA/MEPA Greenhouse Gas Emissions Policy and Protocol.

The proponent is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction extends to those aspects of the project within the subject matter of required or potentially required state permits with the potential to cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to: wastewater, wetlands, rare species, historic and archaeological resources, land alteration, and stormwater.

SCOPE

General

The Proponent should prepare the Draft EIR (DEIR) in accordance with the general guidance for outline and content found in Section 11.07 of the MEPA regulations, as modified by this Scope. The DEIR should include maps and plans at a reasonable scale, a project summary and schedule, impacts and mitigation associated with each phase of the project, a list of all

permits required or potentially required, a description of any changes to the project since the filing of the ENF and a cost estimate for the project.

The Proponent should use the DEIR as a tool to ensure appropriate planning for the full build-out of the site, analyze cumulative impacts, and provide an understanding of background conditions and resources present on the site.

Project Description

The DEIR should include a thorough description of the entire project and all project elements and construction phases in clear non-technical language. The DEIR should include an existing conditions plan that clearly locates and delineates project elements, existing or proposed water supply resources, wetland resource areas, conservation areas (including state parks), adjacent land uses, any priority and estimated rare species habitat in the project area, and aquifer protection districts on and adjacent to the project site. The DEIR should include a proposed conditions plan (or plans) illustrating proposed elevations, structures, access roads, stormwater management systems, and utility connections associated with each phase of the project. The DEIR should include an overlay of the proposed project in the context of sensitive resources on, and in the vicinity of, the project site to facilitate review and assessment of potential impacts. The DEIR should also include a site circulation plan illustrating how motor vehicles, pedestrians and cyclists will be accommodated on the site for each phase of the project. The site circulation plan should delineate paths and connections to and along existing open space, transportation infrastructure, and other locations. Plans must be provided for the entire site at a reasonable scale (e.g. 40 or 60 scale).

Permitting and Consistency

The DEIR should briefly describe each state permit or agency action required or potentially required for each phase of the project, and should demonstrate that the project meets applicable performance standards. The DEIR should contain sufficient information to allow the permitting agencies to understand the environmental consequences of their actions. In accordance with section 11.01(3)(a) of the MEPA regulations, the DEIR should discuss the consistency of the project with any applicable local or regional land use plans. The DEIR should also address the project's consistency with the Office for Commonwealth Development's Ten Sustainable Development Principles and Executive Order 385 (Planning for Growth). In addition to the open space goals, the proposed project presents a great opportunity to model green building and other sustainable design features. I encourage the proponent to include commitments in the DEIR to high-performance buildings and other sustainable design features that can provide economic and environmental benefits.

Alternatives Analysis

The DEIR should include alternatives relating to wetlands, wastewater, water supply, and other potential impacts as further detailed in the Scope below. The DEIR should include an evaluation of all feasible alternatives and describe how the preferred alternative will avoid, minimize and mitigate environmental impacts to the maximum extent feasible. The alternatives analysis should include a clear comparison (quantified to the extent feasible) of the impacts of each alternative and its project components (including but not limited to acres of land alteration, impervious area, wetlands, habitat impacts, water use and wastewater generation, traffic and

parking). The DEIR should provide a rationale to explain why certain alternatives are selected and others ruled out for further consideration.

The ENF indicates that the preliminary design plans originally included a standard subdivision lot layout permitting 305 standard zoning lots on two tracts of land (project site and an additional 180-acre parcel of land proximate to the project site), which did not provide any open space. The Proponent next proposed an alternative design for an Open Space Residential Development which allowed 303 lots on reduced frontages and lots sizes on the project site with an offer to donate the other 180-acre tract to the Town. The currently proposed Open Space layout design reduced the number of lots to 200 on the project site and included gifting 187 acres of the 352-acre site to the Town of Auburn. The DEIR should contain a comparison of each of these alternatives and should also consider a No Build alternative and additional alternatives to reduce project impacts even further, as outlined below.

Portions of the proposed project are spread throughout the site, which results in fragmentation of open space and development in close proximity to sensitive resources. I expect the DEIR to fully evaluate all feasible alternatives including more concentrated site designs. The alternatives analysis should include an alternative that concentrates development in core areas, leaving larger blocks of contiguous undeveloped land. I expect the DEIR to evaluate alternative project designs that will enhance open space and wildlife corridors, and maximize protection of sensitive resources and buffer areas. The alternatives analysis should identify opportunities to minimize impervious area from roadways, parking and other structures. The DEIR should also consider utilizing stormwater and wastewater for irrigation as alternatives to additional groundwater withdrawals.

The DEIR should assess the cumulative impacts of the project, including potential impacts to resources pursuant to 301 CMR 11.07(6)(h). The DEIR should describe how the water and wastewater systems are being designed and located to avoid and minimize adverse cumulative impacts. As noted elsewhere in this Certificate, I strongly encourage the proponent to incorporate commitments to green building and other sustainable design elements in the DEIR that will minimize long-term cumulative impacts associated with the project.

Land Use and Alteration

The DEIR should quantify the total amount of alteration associated with the proposed project (including areas to be altered for buildings, roadways, wastewater, water and stormwater infrastructure, lawns and landscaping, and other project components). The DEIR should include a breakdown showing the amount of alteration for different project elements. The DEIR should clarify the location, type and amount of alteration in previously undisturbed areas. The DEIR should include site plans that clearly locate and delineate areas proposed for development, areas to be left undisturbed, and areas in active agricultural use. The DEIR should clarify proposed project impacts to the 13.5 acres of active agricultural land that will be converted to nonagricultural use, and should consider proposing mitigation for this loss in accordance with Executive Order 193.

Open Space

As described in the ENF, in addition to granting 180 acres of undeveloped land offsite to the Town of Auburn, the Proponent has committed to set aside approximately 187 acres (53%) of

the project site as open space which will also be deeded to the Town of Auburn. The DEIR should clarify how much of the 187 acres proposed as open space will remain undisturbed and provide additional information on what types of land (i.e. upland, wetlands) will be protected as open space. The DEIR should provide more information on the details of the long-term preservation of the site's open space. The DEIR should include a site plan that delineates which areas of the site are proposed to remain as open space following project completion, and it should disaggregate landscaped open space and undisturbed open space. I strongly encourage the proponent to consider placing the proposed open space area located within the project site under a Conservation Restriction (CR) to ensure its permanent protection.

The DEIR should clarify activities that will be allowed within open space areas, discuss public access provisions and management plans, and potential impacts associated with different uses. Site plans in the DEIR should show how habitat fragmentation will be minimized by providing contiguous habitat areas and wildlife corridors.

Wastewater

According to the ENF, the project will generate approximately 88,000 gpd of wastewater which will be discharged to the Upper Blackstone Wastewater Treatment Facility in Millbury. The DEIR should provide an update on the volume of wastewater generated by the project. The entire site will be serviced by public sewer and the project proposes the installation of 4.5 miles of new sewer mains. The location of proposed and existing sewer mains should be depicted on DEIR site plans. The DEIR should clarify ownership and long-term responsibilities for maintenance of the on-site sewer mains.

As part of the Sewer Extension Permit application process, MassDEP requires an evaluation of the available capacity of all downstream sewer systems to accept the volume of new flow. The DEIR should confirm that the Town of Auburn has sufficient capacity to accommodate the proposed project's additional wastewater flows. The DEIR should demonstrate that the proposed method for serving the project's wastewater flow is feasible, and evaluate what impacts, if any, the project's wastewater flows will have on the frequency and volume of combined sewer overflows (CSO) at the Upper Blackstone Wastewater Treatment Facility. The DEIR should demonstrate that the Proponent has secured permission from the Town of Auburn to discharge its wastewater flows.

The proposed construction of a new sewer extension within Rochdale Street will enable existing residences currently serviced by on-site Title V septic systems, to connect to the municipal sewer system. In accordance with Executive Order 385 (Planning for Growth) and section 11.01(3)(a) of the MEPA regulations, the DEIR should identify the land use located within the proposed Rochdale Street sewer improvement corridor, and contain a detailed analysis of the potential secondary growth impacts and increased wastewater flows that may be induced by the proposed sewer extension and improvements from the proposed project. The DEIR should include full-build projections of these flows and volumes. The DEIR should include a discussion on wastewater reuse alternatives and include the results of any wastewater reuse feasibility analysis conducted for the project area.

In addition to the proposed off-site wastewater treatment, the DEIR should evaluate alternatives that utilize on-site individual or shared septic systems, as well as an alternative that utilizes a Wastewater Treatment Facility (WWTF) and on-site disposal system. The DEIR

should summarize the environmental impacts of each alternative and discuss the overall advantages or disadvantages of each scenario. This analysis may also include a discussion of project cost, feasibility, and consistency with local and regional planning documents or regulations. The DEIR should address the project's relationship to the environmental impacts of sewer main extensions, and treatment capacity for each development alternative. Finally, the DEIR should provide supporting documentation to substantiate feasibility of each wastewater alternative (i.e. capacity for off-site treatment, soils data for an on-site individual or shared systems, etc.).

The Proponent must confirm in the DEIR that the project will be served by separate sanitary and storm drain systems. The Proponent should clarify in the DEIR whether any dewatering will be required during construction, and whether these flows can be discharged into existing storm drains, or if groundwater will be discharged into the sanitary sewer system. The DEIR should provide an update on consultations with MassDEP with respect to sewer permitting.

Wetlands

The DEIR should provide plans of appropriate scale to accurately discern the location of each wetland area regulated under the Wetlands Protection Act (WPA), including Riverfront Area, Bordering Vegetated Wetlands, Land Under Water and Bank, located on and adjacent to the project site. The DEIR should include an update on the status of potential impacts to wetland areas regulated under the WPA and discuss any compensation or mitigation required. The DEIR should address MassDEP's comment regarding clarification of proposed activities in the Riverfront Area. The text should explain whether the local conservation commission had accepted the resource area boundaries, and any disputed boundary should be identified. The proposed development plan should be superimposed on a plan with existing conditions to facilitate review and assessment. Proposed areas of impact and replication areas should be identified on site plans, and described and quantified. The DEIR should demonstrate that all wetland impacts have been avoided, and where unavoidable impacts occur, impacts are minimized and mitigated. The DEIR should illustrate that the project will be accomplished in a manner that complies with the WPA. The proponent will file a Notice of Intent, including a Riverfront Alternatives Analysis, with the Auburn Conservation Commission for the project.

Proposed activities, including construction mitigation, erosion and sedimentation control, phased construction, and drainage discharges or overland flow into wetland areas, should be evaluated. The locations of any detention basins and their distances from wetland resource areas, and the expected water quality of the effluent from said basins should be identified. The DEIR should specifically address the impact, if any, to the removal or 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 roadway construction. The DEIR must also address the current and expected post-construction water quality of the predicted final receiving water bodies and demonstrate compliance with applicable water quality regulations or guidelines.

Rare Species

The Natural Heritage and Endangered Species Program (NHESP) has indicated that based on a review of the project plans and information contained within their database, the proposed project will occur within priority habitat mapped for the Great Laurel (*Rhododendron maximum*) which is a state-listed species as "Threatened". This species and its habitat are protected pursuant to MESA (MGL c131A) and its implementing regulations (321 CMR 10.00).

The Proponent should provide NHESP with the additional information they have requested for review in order to determine what impacts would be relevant to the located populations of Great Laurel. The DEIR should address each of the comments provided by NHESP in their comment letter. The DEIR should provide an update on consultation with NHESP and, if applicable, a determination as to whether a Conservation and Management Permit will be required under MESA. The Proponent should specifically address the impact of various project alternatives requested as part of the DEIR with regard to rare species habitat and water quality. The DEIR should, to the extent practicable, commit to mitigation measures such as construction-related oversight, and erosion control measures associated with the project prepared subsequent to guidance from the NHESP, to avoid and minimize impact to Great Laurel habitat.

Stormwater and Drainage

The DEIR should provide a detailed description of the proposed stormwater management system and should demonstrate how it will achieve each of the MassDEP Stormwater Management Policy standards. The DEIR should address the comments provided by MassDEP specifically regarding Standards 2 and 3, adequate infiltration and the removal of Total Suspended Solids (TSS). The DEIR should include the Stormwater Checklist and Stormwater Report.

The DEIR should include clear commitments to ensure effective long-term operation and maintenance of the stormwater system, and clarify long-term ownership and maintenance responsibilities. The DEIR should evaluate the use of Low Impact Development (LID) features and incorporate them into the stormwater management system to the maximum extent feasible. The DEIR should include a pre and post-construction drainage analysis. The DEIR should discuss how proposed changes in site drainage may impact hydrology and water quality of local river systems, public water supplies, vernal pools and other wetlands resources on and adjacent to the site. The DEIR should describe how the stormwater management system will avoid and minimize adverse impacts associated with the proposed addition of 14.5 acres of impervious area. The DEIR should include site plans that locate proposed Best Management Practices (BMPs) for stormwater management and a discussion of TSS removal for the final design.

Transportation

The project does not exceed any specific ENF traffic threshold, nor does it require a State agency action related to traffic impacts associated with the project. However, I acknowledge the proponent's commitment to roadway improvements along Rochdale Street as part of the Auburn Planning Board approval process, including roadway reclamation from West Street northeast to 800 feet east of Leicester Street. I note the Proponent's expectation that traffic impacts will be alleviated by the placement of the two access points off Rochdale Street 0.8 miles apart. I

encourage the Proponent to develop a Transportation Demand Management (TDM) plan to promote pedestrian and bicycle access, and public transit to reduce vehicle traffic to and from the site.

Greenhouse Gas (GHG) Emissions

The project presents a valuable opportunity to explore potential GHG reductions associated with large-scale single family home residential subdivisions. There appear to be significant opportunities to establish GHG emissions reductions through energy efficient building design and incorporation of mechanisms to encourage behaviors that may reduce GHG emissions by homeowners. The GHG analysis included in the DEIR should be responsive to these challenges and I anticipate that through collaboration with MassDEP, the Department of Energy Resources (DOER), and MEPA, creative solutions will be meaningfully explored in the DEIR.

The DEIR should include an analysis of GHG emissions and mitigation measures in accordance with the standard requirements of the MEPA GHG Policy and Protocol (the Policy). The DEIR should quantify the direct and indirect GHG emissions associated with the project's energy use and transportation-related emissions. Direct emissions include on-site stationary sources, which typically emit GHGs by burning fossil fuel for heat, hot water, steam and other processes. Indirect emissions result from the consumption of energy, such as electricity, that is generated off-site by burning of fossil fuels, and from emissions associated with vehicle use by residents and visitors. I encourage the Proponent to additionally consider the energy required to provide potable water and treat wastewater as part of the GHG analysis. The DEIR should outline and commit to mitigation measures to reduce GHG emissions. I refer the Proponent to the Policy for additional guidance on the analysis. The Proponent should meet with representatives from MEPA, MassDEP and the Department of Energy Resources (DOER) prior to preparation of the DEIR. I strongly encourage the Proponent to focus on sustainable design measures as project design is advanced as a way to mitigate potential Greenhouse Gas (GHG) emissions in accordance with the MEPA Greenhouse Gas Emissions Policy and Protocol.

The DEIR should include a GHG emissions analysis that calculates and compares GHG emissions associated with: 1) a Massachusetts Building Code-compliant baseline (the sum of direct emissions from stationary sources and indirect emissions from energy consumption and transportation); 2) the proposed Preferred Alternative (the sum of direct emissions from stationary sources, indirect emissions from energy consumption, and transportation for the project as proposed); and 3) a project alternative with greater GHG emissions-related mitigation than the Preferred Alternative. Please note that the code currently in effect for the design and construction of this project and for the establishment of the Base Code Compliant Case is 780 CMR 61.00, which at this time wholly incorporates all chapters of International Energy Conservation Code (IECC) 2006 with 2007 supplement except chapter 5 (commercial).

The GHG 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 identify the model used to analyze GHG emissions, clearly state modeling assumptions, explicitly note which GHG reduction measures have been modeled, and identify those building design or operational measures that will be committed to by the Proponent and those measures that will be encouraged for adoption and implementation by future homeowners,

if any. The DEIR should investigate participation in Energy Star for new homes (http://www.energystar.gov/index.cfm?c=new_homes.nh_features), Leadership in Energy and Environmental Design (LEED) for Homes, and/or EPA's Water Sense (http://epa.gov/watersense/docs/home_suppstat508.pdf) programs as a way to reduce GHG emissions associated with home construction and streamline the building design process. I note that these programs focus on key building components (heating and cooling, water use, building envelope, lighting) with known GHG emissions reduction benefits.

The MassDEP comment letter has provided additional guidance regarding mitigation measures that should be explored as part of the GHG analysis, as well as resources to assist in preparation of the analysis. While the GHG analysis need not provide a complete technological and financial analysis of all GHG reduction measures, it would benefit the Proponent to assess feasible GHG reduction measures for the project type, starting with measures that offer the greatest energy reductions and then consider opportunities to improve ongoing operations. MassDEP has requested that the mitigation measures listed in the Appendix of the MEPA GHG Policy and Protocol be analyzed for feasibility and inclusion in the project. The DEIR should include a detailed feasibility analysis for the potential implementation of combined heat and power (CHP) and/or renewable energy sources on-site, including solar photovoltaics (PV). These assessments should either lead to commitments to adopt the LEED, Energy Star element or other equivalent design features, or the EIR should do a credible job in explaining why a particular efficiency or green power generation component is impracticable.

While suburban or rural residential projects don't necessarily lend themselves to robust TDM programs, GHG reductions associated with the anticipated traffic intersection improvements and TDM measures should be quantified as part of the GHG analysis. In accordance with the Policy, the DEIR should estimate GHG emissions associated with the project's indirect emissions associated with site-related traffic trips and corresponding GHG reductions subsequent to the implementation of traffic-related mitigation measures. The DEIR should specifically identify TDM measures proposed for each of the alternatives and the corresponding GHG emission reductions expected.

The MassDEP comment letter has indicated that additional GHG reductions can be achieved through effective materials management during the design phase, construction phase, and operations phase of the project. The DEIR should discuss these opportunities and their potential GHG benefits. The DEIR should demonstrate that the preferred alternative would achieve significant reductions in GHG emissions with building designs, selection of building materials, and water and sewer infrastructure upgrades and efficiencies that reduce and/or offset the fossil fuel energy demand of the project.

Finally, I note that the Proponent has made a significant commitment to reduce the size of the proposed development below that which is allowed under local zoning and to donate a significant amount of open space to the Town of Auburn. The DEIR should discuss the role of these commitments in reducing GHG emissions. However, I note that only those areas that are permanently protected from development should be considered as quantifiable mitigation measures.

Historical and Archaeological Resources

As further detailed in the comment letter from the Massachusetts Historical Commission (MHC), several inventoried historic properties are within or adjacent to the project area. MHC states that the Jennison House was demolished in the 1990s and that a foundation remains extant on the property.

According to the comment letter from MHC, the project area is considered archaeologically sensitive. The Proponent should conduct an intensive (locational) archaeological survey (950 CMR 70) for the project. The proponent should consult with MHC regarding the survey results and the preparation of the application for the State Archaeologist's Permit. The DEIR should discuss measures to avoid, minimize or mitigate any adverse effects to significant archaeological resources.

Construction

The DEIR should include a Construction Management Plan (CMP) describing project activities and their schedule and sequencing, site access and truck routing, and BMPs that will be used to avoid and minimize adverse environmental impacts. The CMP should address potential construction period impacts (including but not limited to land disturbance, noise, vibration, dust, odor, nuisance, vehicle emissions, construction and demolition debris, and construction-related traffic) and analyze and outline feasible measures that can be implemented to eliminate or minimize these impacts. The CMP should discuss plans for reuse and recycling of construction materials. The DEIR should discuss measures proposed to protect wetland resource areas during construction activities, and the CMP should include an erosion control component to address protection of water quality and wetlands resources.

I strongly encourage the proponent to commit to participation in the MassDEP Diesel Retrofit Program and to use ultra low sulfur diesel (ULSD) in off-road engines. The DEIR should describe how the Proponent will minimize construction-period diesel emissions to address concerns relating to fine particulate matter (PM_{2.5}) and related health impacts.

The DEIR should clarify if any blasting is being proposed and if so, discuss measures to protect public water supplies in the project area. I refer the proponent to the MassDEP Memorandum entitled "Potential Environmental Contamination From the Use of Perchlorate-Containing Explosive Products" available at <http://www.mass.gov/dep/cleanup/laws/blasting.htm>

The proponent is required to prepare a Stormwater Pollution Prevention Plan (SWPPP), which must clearly and reasonably delineate all areas to be 'altered', and describe the practices that will be implemented to protect the resources during construction as well as upon completion of the project. This includes Erosion and Sedimentation Control Plans and design calculations to assess all drainage leaving the site. The SWPPP must also include designation of areas where stockpiling of material and operations are to occur. The proponent should consult with the Town of Auburn, and MassDEP and others to ensure that the proponent will meet any performance standards associated with a federal NPDES permit for all proposed project construction activities.

Mitigation and Section 61 Findings

The DEIR 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. The Section 61 Findings should describe proposed mitigation measures, contain clear commitments to mitigation and a schedule for implementation, based on the construction phases of the project, and identify parties responsible for funding and implementing the mitigation measures. The proposed Section 61 Findings will serve as the primary template for permit conditions.

Response to Comments

The DEIR should include a copy of this Certificate and a copy of each comment letter received on the ENF. In order to ensure that the issues raised by commenters are addressed, the DEIR should include a response to comments received to the extent they are within MEPA jurisdiction. This directive is not intended to and shall not be construed to enlarge the scope of the DEIR beyond what has been expressly identified in this Certificate. I recommend that the Proponent use either an indexed response to comments format, or a direct narrative response.

The DEIR should address comments from MasDEP and the Auburn Board of Health regarding the proposed water supply. I expect that the local review and permitting process will require the Proponent to demonstrate that the proposed project and drawdown of the water table associated with the project's proposed water withdrawals will not adversely impact the site hydrology, surface waters, and wetlands resource areas and public water supplies in the project area.

Circulation

The DEIR should be circulated in compliance with Section 11.16 of the MEPA regulations. Copies should be sent to those parties that submitted comments on the ENF, and to each federal, state and local agency from which the Proponent will seek permits or approvals. A copy of the DEIR should be made available for public review at the Auburn Public Libraries.

May 8, 2009

DATE



Ian A. Bowles, Secretary

Comments Received

04/14/2009	Massachusetts Historical Commission
04/27/2009	Massachusetts Department of Environmental Protection – CERO
04/28/2009	Natural Heritage and Endangered Species Program
05/06/2009	Town of Auburn Board of Health

IAB/PPP/ppp