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May 10, 2006

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

PROJECT NAME : St Hyacinth Condominiums
PROJECT MUNICIPALITY : Granby
PROJECT WATERSHED : Connecticut
EOEA NUMBER : 13770
PROJECT PROPONENT : FMJ Realty, LLC
DATE NOTICED IN MONITOR : April 10, 2006

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 a Draft and Final Environmental Impact Report (DEIR, FEIR).

As described in the Environmental Notification Form (ENF), the proposed project consists of the development of 195 residential condominium units in 106 separate buildings, approximately 327 parking spaces, within the former 156-acre St. Hyacinth Seminary property located on Route 202 (East State Street) in Granby. The project includes the construction of and approximately 9,000 linear feet of paved roadway, sidewalks, and stormwater and utility infrastructure. The proponent also proposes to construct a new on-site water supply well (60,000 gallons per day (gpd)) to service the proposed project's potable water supply and irrigation needs, and a private on-site wastewater treatment package plant to serve the project's estimated wastewater flows. The project site is bisected by School Street, a Town of Granby municipal roadway, resulting in the proponent's proposed development of a 33-acre portion of the project site located east of School Street, and a 124-acre parcel located west of School Street in Granby.

The project is undergoing review and requires a mandatory EIR pursuant to Section 11.03 (1)(a)(2) of the MEPA regulations, because the project will create more than ten acres (approximately 17.6 acres total) of new impervious surfaces.

The project is also undergoing review pursuant to Sections 11.03 (1)(b)(1), (5)(b)(3)(c), and (4)(c) of the MEPA regulations, because the project proposes to directly alter more than 25 acres of land (approximately 82 acres total), construct a new sewer main one half or more miles (.68 miles) in length, and to result in a New discharge to groundwater of 10,000 or more gpd (43,000 gpd) of sewage within an area, zone or district established, delineated or identified as necessary or appropriate to protect a public drinking water supply respectively. The project will require a Public Water System New Source Approval, a Groundwater Discharge Permit, and a 401 Water Quality Certification from the Department of Environmental Protection (DEP). The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over one acre. Because the project proposes construction activities and alteration within the 100-foot buffer to Bordering Vegetated Wetlands (BVW), it will require an Order of Conditions from the Granby Conservation Commission (and hence Superseding Order(s) from DEP if any local Orders were appealed). The project will also require an access permit from MHD for access to Route 202. The project site may contain rare species habitat, and potentially significant historic sites, and thus may require review by the Natural Heritage Program and Endangered Species Program (NHESP), and the Massachusetts Historical Commission (MHC), respectively.

The proponent is not seeking state financial assistance for the proposed project. MEPA jurisdiction therefore is limited to those aspects of the project within the subject matter of any required or potentially required state permits that have the potential to produce significant damage to the environment (land alteration, wetlands, water quality, and impacts to rare wetlands wildlife and historically sensitive areas).

Future Development:

According to information provided by the proponent during the April 26, 2006 MEPA site visit held for this project, the proponent also has an ownership interest in three additional development parcels (Diocese of Springfield site, Seminary/School site, Forge Pond site), described below.

Parcel #1 - Diocese of Springfield

This 65-acre parcel abuts the easterly boundary of the project site and has frontage on Route 202. The land is open rolling field that has been 90% cleared and grubbed and a potable water supply well has been installed in the northeast corner of the site.

Parcel #2 - Seminary/School

The 16-acre parcel fronts School Street and consists of previously developed land containing 4 buildings, the seminary building which is now the temporary location for Holyoke Catholic High School, the gymnasium building, a residence, currently housing nuns, maintenance garage and paved parking for approximately 150 vehicles.

This parcel also contains an operable Title 5 septic system and leach field, a potable water supply well, and utilities including electric and telephone services.

Parcel #3 - Forge Pond, Hill Brook

This 147-acre parcel consists primarily of Forge Pond, Hill Brook and several small wooded islands that may contain rare species habitat. The vast majority of this parcel is Forge Pond itself.

The anti-segmentation provisions of the MEPA Regulations (Section 11.01(2)(c)) require the review of the proposed St Hyacinth Condominiums project, and the future build-out of the three additional development parcels, as a “common plan or undertaking.” Pursuant to the anti-segmentation provision of the MEPA regulations, I must consider the environmental impacts associated with the proposed condominium project, and the development of the three additional development parcels described above as a common undertaking by the project proponent. I am therefore requiring preparation of a Draft and Final EIR to discuss both, the full impacts of the proposed St Hyacinth Condominiums project, as well as the potential cumulative infrastructure impacts and site planning issues arising out of the future build-out of the remaining 3 development parcels (‘full build’), as allowable as-of-right under current local zoning. Depending upon the status of planning for the proponent’s additional development parcels, the DEIR should also function as a “comprehensive master plan” to guide the layout and development of any additional future development and the related vehicular and pedestrian circulation patterns, in a manner that minimizes overall impacts. The proponent may wish to consult further with the MEPA Office on the appropriate scope and timing of further review.

SCOPE

General:

The proponent should prepare the DEIR in accordance with the guidelines contained in section 11.07 of the MEPA regulations, as modified by this scope. The DEIR should include a copy of this Certificate. The proponent should circulate the DEIR to those who commented on the ENF, and to any state agencies from which the proponent will potentially seek permits or approvals.

Alternatives:

The DEIR should examine the no-build alternative to establish baseline conditions. The DEIR should also evaluate alternative site layouts that minimize overall impacts for the proposed St. Hyacinth Condominium project, and under the full build scenario. The DEIR should discuss whether the proponent will seek any waivers for roadway or sidewalk width, and explain any implications for the alternatives analysis.

The DEIR should also investigate alternative roadway designs and layouts that further minimize impervious surface area and maximize undisturbed buffers around vernal pools, perennial streams, and other wetlands; and that minimize loss of open space. The DEIR should also include any alternatives analyses necessary for the DEP permitting process.

Project Description and Permitting:

The DEIR should include a thorough description of the project. The DEIR should also include a brief description of each state permit or agency action required or potentially required for the project, and should demonstrate that the project meets applicable performance standards. In particular, the DEIR should include details on how the project will meet DEP's Stormwater Management Policy guidelines and the performance standards of the Wetlands Protection Act.

Land Alteration:

The condominium project, as currently designed, will result in significant alterations to land, and new impervious areas. The DEIR should quantify the amounts of land altered and current use, the amounts of earth work involved in meeting final grades, and the amounts of impervious surfaces created for the proposed condominium project, and under the future build-out project scenario. The DEIR should investigate all feasible methods of avoiding, reducing, or minimizing impacts to land. The DEIR should include a map that delineates which areas of the site are proposed to remain as open space following the project, and it should disaggregate landscaped open space and undisturbed open space. The DEIR should also delineate those portions of the project site that the proponent has proposed to place under a Conservation Restriction (CR) to ensure for their permanent protection. The proponent should also consider placing deed restrictions, to include certified vernal pools, if any, and the uplands around them, on any residential properties that will be located within 600 feet of any vernal pools or within the 100-foot wetlands buffer zone as a method for avoiding future impacts from homeowner activities.

Wetlands:

As described in the ENF, no work is proposed within bordering vegetated wetlands (BVW) or Riverfront Area located in the project site. Work within the 100-foot wetland buffer zone will include grading and roadway construction, buildings, houses, and stormwater management infrastructure. The DEIR should include a reasonably scaled (1:200) single sheet map that delineates applicable water resources and wetland boundaries and buffer zones within the proposed St Hyacinth Condominiums project site, and the three additional development parcels, and should include the appropriate overlays of each project layout described in the alternatives analysis.

The DEIR should identify and quantify how many proposed house lots and portions of proposed access roadways, stormwater management BMPs will be located wholly or partially within wetland resource areas and buffer zones. The plans should also note any applicable local buffer zone requirements. The DEIR should explain the significance of each wetland area on the site to the interests enumerated in the Wetlands Protection Act.

The proponent should certify that all streams and isolated wetlands identified on the site meet the Massachusetts definition for an intermittent or perennial stream, and vernal pool, and the DEIR should evaluate potential impacts on these resource areas. The DEIR should quantify the amount of direct wetland resource area alterations proposed, including shading of wetlands under bridges, removal or height reduction of tree and shrub canopy from forested wetlands (crown area, not basal area), expected alterations from development of individual house lots, and construction-related disturbances. Proposed activities, including construction mitigation, erosion and sedimentation control, phased construction, flood control, and drainage discharges or overland flow into wetland areas, should be also be evaluated.

The DEIR should contain sufficient information to determine whether all proposed wetland alterations are permissible under the Wetlands Protection Act (i.e., whether the project would require a variance). The DEIR should include a detailed discussion on how the project meets the performance standards of the Wetlands Protection Act, including standards related to extent of alteration of wetlands. The proponent is claiming limited project status for the project's proposed wetland alterations. The DEIR should include any supporting information to evaluate the proponent's limited project claims. The DEIR should examine methods of avoiding or minimizing encroachment into buffer zones including, but not limited to, reducing the total number of proposed residential units. The DEIR should evaluate deed restrictions as a method of avoiding future wetland impacts from homeowner activities, and as a method of minimizing water quality impacts associated with over-zealous residential lawn care.

The DEIR should also analyze indirect impacts to wetlands from receipt of drainage, stormwater runoff and wastewater disposal from the proposed condominium project and under the full build development scenario. The DEIR should present drainage calculations and detailed plans for the management of stormwater from the proposed project. It should include a detailed description of the proposed drainage system design, including a discussion of the alternatives considered along with their impacts. The DEIR should identify the quantity and quality of flows. The rates of stormwater runoff should be analyzed for the 10, 25 and 100-year storm events. The DEIR should discuss the consistency of the project's stormwater management plan with DEP's guidelines for stormwater best management practices (BMPs), and should include at least a conceptual schematic drainage plan for the future full build development scenario. The DEIR should detail any water quality monitoring proposed, and development of any action thresholds and management responses.

The Commonwealth has endorsed a "No Net Loss Policy" that requires that all feasible means to avoid and reduce the extent of wetland alteration be considered and implemented. The DEIR should examine alternatives that avoid impacts to wetland resource areas, their associated buffer zones, riverfront protection areas and 100-year flood plain areas. The DEIR should identify the locations of the proposed wetland replication areas for each residential development.

For any amount of required wetlands replication, a detailed wetlands replication plan should be provided in the DEIR which, at a minimum, includes: replication location(s) delineated on plans, elevations, typical cross sections, test pits or soil boring logs, groundwater elevations, the hydrology of areas to be altered and replicated, list of wetlands plant species of areas to be altered and the proposed wetland replication species, planned construction sequence, and a discussion of the required performance standards and monitoring. For any amount of required wetlands replication, a detailed wetlands replication plan should be provided in the DEIR which, at a minimum, includes: replication location(s) delineated on plans, elevations, typical cross sections, test pits or soil boring logs, groundwater elevations, the hydrology of areas to be altered and replicated, list of wetlands plant species of areas to be altered and the proposed wetland replication species, planned construction sequence, and a discussion of the required performance standards and monitoring.

Rare Species:

The DEIR should include a site inventory of the St. Hyacinth Condominium project site area, and the three additional development parcels, to determine if any areas constitute suitable habitat for rare species, with results presented on an appropriately scaled map. The DEIR should also include a survey of areas of suitable habitat to determine if rare species are present. If any rare species are present, the DEIR should include sufficient information to determine if the project will require a Conservation Permit pursuant to the Massachusetts Endangered Species Act. The proponent should contact the Natural Heritage Program to determine the appropriate survey protocols. The DEIR should include sufficient information to determine if the project will require a Conservation Permit pursuant to the Massachusetts Endangered Species Act. If necessary, the DEIR should include an alternatives analysis to evaluate methods of avoiding or minimizing impacts on rare species, and the document should fully explain any permitting implications under the Massachusetts Endangered Species Act.

Water Supply/Groundwater Resources:

According to the ENF, and as described by the proponent during the MEPA scoping session for this project, the proponent proposes to construct a new water supply well (60,000 gallons per day (gpd)) to service the condominium project's potable water supply needs (43,000 gpd) and irrigation supply needs.

The project requires a New Source Approval Permit, and a Distribution System Modification Permit from DEP. According to the comments provided by DEP, the ENF does not contain sufficient information to address the project's potential impacts to at least 4 existing Interim Wellhead Protection Areas (IWPAs) located on portions of the project site. The DEIR should include a discussion of the New Source Approval permitting process required for this project.

The DEIR should include on a reasonably scaled map a delineation of the Zone 2s and IWPAs for each of the existing public water supplies located within the project area and for any proposed on-site water supply source, and should include the appropriate overlays of each site layout described in the alternatives analysis. The plans should also note any applicable local and state buffer zone requirements. The DEIR should include a separate hydrological analysis to evaluate the potential locations for any proposed water supply wells and the potential impacts of the proposed withdrawal of groundwater on the site's surface and subsurface hydrology, wetland resource areas and rare species habitat, and any nearby municipal water supply wells and sensitive resources. The proponent should respond to the comments received from DEP.

Wastewater:

The project includes the construction of a 120,000 gpd on-site package wastewater treatment system with approximately 2 miles of sewer main to service the project's wastewater flows in accordance with Massachusetts Title 5 regulations. As noted above, portions of the project site are located in the Zone IIs and IWPAs of 4 public water supplies.

In their comments, DEP expressed concern for the proposed on-site groundwater discharge of the project's wastewater flows within an existing or proposed public water supply source. The DEIR should include on a reasonably scaled map a delineation of the Zone 2s and IWPAs for each of the existing public water supplies located within the project area and for any proposed on-site water supply source, and should include the appropriate overlays of each site layout described in the alternatives analysis. The plans should also note any applicable local and state buffer zone requirements. The proponent should consult with DEP regarding the groundwater discharge of the project's wastewater within a Zone 2 or IWPA, and the proposed project's compliance with DEP's Interim Guidance on Reclaimed Water. I strongly encourage the proponent to consult with DEP during project design.

Stormwater Resources:

The proposed condominium development project will create over 17.5 acres of new impervious surfaces. The DEIR should include a stormwater drainage plan for the proposed project and under the future full build development scenario, and should discuss the consistency of the drainage plan with the DEP Stormwater Management guidelines.

The DEIR should present drainage calculations and detailed plans for the management of stormwater from the proposed project for the 2 and 10-year, and 24 hour storm events. It should also be demonstrated that the proposed drainage system would control storm flows at existing levels. It should demonstrate that the design of the drainage system is consistent with this policy, or in the alternative, why the proponent is proposing a drainage system design not recommended by DEP. The proponent should use the DEP Stormwater Management Handbook when addressing this issue. In addition, a maintenance program for the drainage system will be needed to ensure its effectiveness, and should outline the maintenance operations, sweeping schedule, responsible parties, and back-up systems. This maintenance program should outline the actual maintenance operations, responsible parties and back-up systems. The DEIR should investigate feasible methods of reducing impervious surfaces. The DEIR should indicate and discuss where the Route 202 and School Street drainage systems discharge in this area. It should also be demonstrated that the proposed drainage systems would control stormwater flows from the project site at existing levels.

Transportation:

The DEIR should include a transportation analysis for the proposed project and the full-build scenario that conforms to the EOEA/EOTC Guidelines for EIR/EIS Traffic Impact Assessment, as modified by this scope and the comments received on the ENF. The DEIR should identify appropriate mitigation measures for areas where the project will have a significant impact on traffic operations, should include appropriate commitments to implement the mitigation, and should specify the schedule for implementing the mitigation. The DEIR should include the on-site accommodation of pedestrians and bicyclists, bus/van shuttle service to the maximum feasible extent.

Parking

The proposed condominium project includes construction of approximately 330 surface parking spaces. The DEIR should demonstrate that the parking supply is no greater than the level necessary to accommodate project demand, that parking ratios for all uses do not exceed the ratios for comparable projects, and that it will not encourage commuting by single occupant vehicles. The DEIR should include a parking needs analysis to confirm that the proposed number of parking spaces is the minimum level of parking required for the proposed project uses. The DEIR should explain the nature of the proposed on-site parking (for example, quantify how many spaces will be designated for residents, employees, and visitor spaces, and their location within the project site).

Transportation Demand Management

In their comments, MHD has requested that the proponent design and implement a Transportation Demand Management (TDM) program to reduce the project's estimated site trip generation. The DEIR should include a TDM plan for the project. The proposed residential development project may also generate a demand for public transportation services.

The proponent should consult with the Town of Granby and the Pioneer Valley Regional Transit Authority (PVRTA) to identify opportunities for providing shuttle service and a public transit bus connection from activity nodes to the proposed project, and to identify opportunities for mitigating the proposed project's potential impacts to public transportation services located in the project area.

Historic/Archaeological Resources:

As described in the ENF, the project will involve the demolition of all or part of an existing historic building. According to the comments received from the Pioneer Valley Planning Commission (PVPC), the St. Hyacinth Seminary building (1927) was recently included in the Town of Granby's Preliminary Historic Properties survey plan. The proponent should consult with the MHC in the design and completion of its archeological investigations for the proposed project. The DEIR should address the project's potential impacts to historic and archaeological resources, and provide a summary and identify any needed mitigation for the archaeological resources impacted by the proposed project.

Hazardous Waste Remediation:

In their comments, DEP has identified at least one location within the project site where a release of hazardous waste material to soil or groundwater has been reported (RTN 1-14117). I strongly recommend that the proponent consult with DEP's Bureau of Waste Site Cleanup (BWSC) in the final design of this project to explore what impacts, if any, the proposed project might have on these hazardous waste release sites, and to evaluate the proponent's need for retaining a Licensed Site Professional (LSP) to assist in the project's construction. The proponent should ensure that the project contractors and sub-contractors maintain an emergency response plan for performing appropriate response actions in the event contamination is encountered during project construction.

Comments:

The DEIR should include copies of each comment letter received. The document should include responses to all substantive comments received to the extent that comments are within MEPA jurisdiction. The DEIR should present additional information as necessary to respond to the concerns raised. I recommend either an indexed response to comments format or direct narrative response.

Mitigation/ Section 61 Findings:

The DEIR should include a summary and explanation of all environmental mitigation to which the proponent is committed. This chapter on mitigation should include a Draft Section 61 Finding for all state permits. The Draft Section 61 Finding should contain a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation, and the identification of the parties responsible for implementing the mitigation. A schedule for the implementation of mitigation, based on the construction phases of the project, should also be included.

EIR Distribution:

The DEIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should also be sent to the list of "comments received" below and to Granby town officials. A copy of the EIR should be made available for public review at the Granby Public Library.

May 10, 2006
DATE


Stephen R. Pritchard, Secretary

Comments received:

04/27/06	Pioneer Valley Planning Commission (PVPC)
04/27/06	Massachusetts Highway Department (MHD)
05/02/06	MA Department of Environmental Protection – WERO

ENF #13770
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