



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

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ROBERT W. GOLLEDGE, JR.
SECRETARY

December 1, 2006

DRAFT RECORD OF DECISION

PROJECT NAME: Campanelli Business Park of Freetown (Boston Beer)
PROJECT MUNICIPALITY: Freetown
PROJECT WATERSHED: Taunton
EOEA NUMBER: 13895
PROJECT PROPONENT: Campanelli Freetown Land LLC
DATE NOTICED IN MONITOR: October 25, 2006

Pursuant to the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and Section 11.11 of the MEPA Regulations (301 CMR 11.00), I have reviewed this project and hereby **propose to grant a waiver** from the categorical requirement to prepare an Environmental Impact Report (EIR). In a separate Certificate to be issued on December 1, 2006, I have set forth the outstanding issues related to the project that can be addressed by permitting agencies.

Project Description

As described in the Expanded Environmental Notification Form (EENF), the project consists of the construction of a 370,000 square feet (sf) brewery facility within Campanelli Business Park (the Park) in Freetown. The Park is approximately 78 acres in area, and presently contains a Weyerhaeuser lumber distribution facility on a 22-acre parcel. The Park is located at the end of Ridge Hill Road, which is proximate to Route 24 and South Main Street (Route 79), and is accessible via the CSX Fall River freight rail line. The proposed brewery facility will be owned and operated by The Boston Beer Company.

The project site is located on a former gravel pit, and is presently characterized by scrubby second-growth vegetation or open non-vegetated areas. The proponent has indicated that the project will meet all Massachusetts Department of Environmental Protection (MassDEP) stormwater management policy guidelines, and that the Park has been master planned for

adequate stormwater management. The project will rely heavily on water and wastewater infrastructure to facilitate the brewing process. The EENF stated that sufficient water infrastructure is presently in place within Ridge Hill Road within the Park, and there is sufficient capacity for water supply from the City of Fall River. Additionally, a new sewer main will be constructed within existing rights of way to service the Park, with wastewater treatment services provided by the City of Fall River through an agreement with the Town of Freetown.

Jurisdiction

This project is subject to the preparation of a mandatory EIR pursuant to Section 11.03(3)(a)(1)(2) because the project will require a State Permit and will create more than 10 acres of impervious area. The project requires a Major Sewer Connection Permit from MassDEP. The project may require a street opening permit from the Massachusetts Highway Department (MassHighway) to allow the installation of the sewer main in Route 79 where it crosses the Route 24 layout. The project will require a National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Construction Activities from the United States Environmental Protection Agency (U.S. EPA). The project may require an Order of Conditions from the Freetown Conservation Commission, and in the case of an appeal, a Superseding Order of Conditions from MassDEP, if wetland areas are found on site and the proposed development will impact regulated wetland areas.

At the time of review of this EENF, it is undetermined as to whether State funding will be obtained for construction of the off-site sewer line. Additional State funding may be sought from the Office of Economic Development to facilitate development of the project. Therefore, MEPA jurisdiction for this project is broad and shall extend to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment.

Waiver Request

The EENF submitted on the project was noticed in the October 25, 2006 Environmental Monitor. The waiver request was discussed at the consultation/scoping session for the project which was held on November 8, 2006.

Criteria for Waiver

Section 11.11 of the MEPA Regulations provides that a waiver may be granted upon a finding that strict compliance with the regulations will result in undue hardship and will not serve to minimize or avoid damage to the environment. In the case of categorically included projects, this finding shall be based on the following circumstances: 1) the project is likely to cause no damage to the environment; and 2) ample and unconstrained infrastructure exists to support the project. The terms agreed to as a condition of the waiver will bring about benefits in excess of those that could be achieved in the absence of a waiver.

Findings

Based upon the information submitted by the proponent and after consultation with the relevant state agencies, I find that:

1. The project will encourage industrial/commercial growth at a previously disturbed site, proximate to adequate transportation infrastructure, in an area locally zoned for the proposed use.
2. There is ample and unconstrained infrastructure to support the project. The proponent and the Town of Freetown have secured an agreement with the City of Fall River to receive sufficient water supply and wastewater treatment capacity to accommodate the project. Water supply and wastewater flows are in compliance with existing permits issued to the City of Fall River. The project will not exceed MEPA review thresholds associated with traffic trips or exceed the capacity of the adjacent Route 24 interchange.
3. The project will generate approximately 480,000 gallons per day (gpd) of new wastewater flows in association with the new brewery facility. The proponent will execute and comply with the specific requirements outlined in the agreement between the City of Fall River and the Town of Freetown with regards to wastewater generation association with the Boston Beer facility. The proponent will construct a pump station near the intersection of Ridge Hill Road and Route 79, an on-site pre-treatment facility, and any other infrastructure improvements necessary in order to adequately service the proposed facility in a manner consistent with local and State wastewater regulations.
4. The project will require approximately 600,000 gpd of water to facilitate the brewing process. The proponent will execute and comply with the specific requirements outlined in the agreement between the City of Fall River and the Town of Freetown with regards to water demand. Infrastructure to accommodate new water flows to the project site are already in place and no further State agency action is required.
5. The project will create 26.0 new acres of impervious area, resulting in a total of 38.5 acres of impervious surfaces within the Park. The development site is a former gravel pit and is presently characterized by sparse, secondary growth vegetation. The Park's stormwater management system was master planned and has been designed in accordance with MassDEP's Stormwater Management Policy.

The proponent will strive to limit the impact of development through the use of Best Management Practices (BMPs) related to stormwater management, including an investigation into the feasibility of Low Impact Design (LID) stormwater management techniques. The proponent will recharge groundwater and infiltrate roof runoff to the extent practicable, manage peak stormwater flows, and improve water quality in a post development state. The proponent will prepare a stormwater pollution prevention plan in conjunction with its NPDES construction general permit. This stormwater pollution

prevention plan will address ongoing operation and maintenance of the stormwater management facilities.

6. The proposed project will utilize the CSX freight rail tracks for the shipment of raw materials and standard truck delivery for shipment and receipt of other goods. The proponent will coordinate track switching mechanisms with CSX and the existing Weyerhaeuser facility. The proponent will work with the Town of Freetown and MassHighway to modify the location of the No Access Line associated with the Route 24 layout to improve overall traffic turning movements at the intersection of Route 79 and Ridge Hill Road.

The proponent will work with the Southeastern Regional Planning and Economic Development District (SRPEDD) to provide supplemental data requested in the SRPEDD EENF comment letter related to the traffic study area prior to commencement of project construction.

7. The proponent will conduct a wetlands survey in accordance with MassDEP wetland guidelines to confirm that the proposed project will not impact wetland resource areas. If necessary, the proponent will file a Notice of Intent with the Freetown Conservation Commission prior to commencement of construction on site.
8. The proponent has contacted, and received confirmation from the Massachusetts Historical Commission (MHC), that the identified Native American archaeological site (19-BR-422) on-site was previously destroyed by prior gravel removal operations. No further action is required from the MHC prior to project commencement.
9. Further, additional review in the form of an EIR is not likely to serve to minimize or avoid further damage to the environment. The presently disturbed nature of the site, the adequacy of infrastructure and agreements regarding water supply and wastewater, and the mitigation proposed by the proponent in the EENF results in a unique situation where it appears the damage to the environment has been minimized or mitigated.

I propose to grant this waiver on the condition that the 2006 amendments to the intermunicipal wastewater and water supply agreement between Fall River and Freetown are fully executed.

Based on these findings, it is my judgment that the waiver request has merit and meets the tests established in Section 11.11. Therefore, I propose to grant the waiver requested for the Campanelli Business Park of Freetown (Boston Beer) project, subject to the above findings. This Draft Record of Decision (DROD) shall be published in the next issue of the Environmental Monitor (December 6, 2006) for a fourteen-day comment period, after which I shall reconsider, modify, or confirm the waiver. Should, based on the comments received on the DROD, I determine not to grant the full EIR waiver, a revised Certificate on the EENF will be issued to the proponent outlining a scope for the preparation of an EIR.

December 1, 2006

Date

Robert W. Golledge, Jr.

Comments received:

10/27/2006	Massachusetts Historical Commission
10/30/2006	Town of Freetown Board of Selectmen
11/7/2006	Joan M. Menard, State Senator, First Bristol and Plymouth; John F. Quinn, State Representative, Ninth Bristol; David B. Sullivan, State Representative, Sixth Bristol; Stephen R. Canessa, State Representative, Twelfth Bristol
11/14/2006	Edward M. Lambert, Jr., Mayor, City of Fall River
11/17/2006	Southeastern Regional Planning and Economic Development District (SRPEDD)
11/22/2006	Campanelli Companies (proponent)
11/24/2006	Massachusetts Department of Environmental Protection - SERO
11/24/2006	Executive Office of Transportation

RWG/HSJ/hsj