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COMMONWEALTH OF MASSACHUSETTS
 EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
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MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION
 SECTION 61 FINDING PURSUANT TO
 M.G.L. CHAPTER 30, SECTION 61

RECEIVED

APR 1 2009

MEPA

PROJECT NAME: Stone Ridge
PROJECT LOCATION: Milford, MA
PROJECT PROPONENT: The Gutierrez Company
EOEA NUMBER: 14127

The following Section 61 Findings for the proposed Stone Ridge project in Milford, Massachusetts have been prepared to comply with the requirements of Massachusetts General Laws Chapter 30, Section 61. Under M.G.L. c.30, s.61, State agencies and authorities are required to review, evaluate, and determine the impacts on the natural environment of all works, projects, or activities conducted by them and to undertake all feasible means and measures to minimize and prevent damage to the environment. As part of any determination made, this law requires that state agencies and authorities issue a "finding" describing any impacts of the project and certifying that all feasible measures have been undertaken to either avoid or minimize these impacts.

I. PROJECT DESCRIPTION

The Gutierrez Company (the Proponent) proposes to construct 625,000 square feet of office space in 4 separate three-story buildings on an 80+/- acre parcel located at the northwest quadrant of the Cedar Street/Interstate 495 intersection in the Town of Milford, Massachusetts. The project also includes the construction of 2,114 surface parking spaces, landscape amenities and associated stormwater mitigation areas.

Wastewater

Currently, there is no sewer service available to the project site. The industrial park located on the east side of Cedar Street has a private pump station with a 6-inch force main connecting to an existing 8-inch gravity sewer located in Cedar Street about 2000-feet south of the Site. The Walden Woods development north of the proposed project is also served by a private force main connecting

to the gravity system in Cedar Street. This connection is believed to be a 4-inch line. The 8-inch gravity line within Cedar Street continues toward the south where it discharges to parallel 8-inch and 10-inch siphons. South of the parallel siphons, sewerage continues in the 12-inch gravity line within Cedar Street until the intersection with East Main Street. East Main Street contains parallel 12-inch and 18-inch gravity sewers that flow to the south until the intersection with Beech Street. From here, sewerage flows to the south in a series of parallel gravity sewers ranging in size from 10-18 inches within Beech Street, across Central Street, and through the Beech Street Extension. South of the Beech Street Extension, flows are combined with discharge from the 16-inch force main from the Charles Street Pumping Station and continue to the south in a 36-inch cross country sewer that ultimately discharges to the Town of Milford Waste Water Treatment Facility (WWTF) at 230 South Main Street, Hopedale, MA.

The proposed sewer system design includes the construction of a new pump station and force main. The proposed pump station will be located on the south side of Deer Street in the southeast corner of the project site, immediately east of the Upper Charles Trail bike path crossing. This location is outside of the Zone A Surface Water Protection Area. The proposed pump station will be privately owned and maintained and is sized only to accept flows from the proposed development. Effluent from the pump station will be pumped through approximately 2,300-feet of proposed 6-inch ductile iron force main before it is discharges to the Milford Town system. The force main is designed to run parallel to the existing previously mentioned services within Cedar Street until it connects to the municipal system approximately 2,000-feet south of the Cedar Street/Deer Street intersection.

The sanitary sewer design for the proposed project was approved by the Milford Board of Sewer Commissioners during the regular scheduled meeting on September 9, 2008. The Permit Application was then forwarded to the Massachusetts Department of Environmental Protection (MassDEP) on September 12, 2008 under Transmittal Form (#X223659). Following a review of the Permit Application, MassDEP issued a comment letter on October 6, 2008.

Included in the coordination process with the Town and its consultant were multiple discussions regarding the redundant sewer infrastructure within Cedar Street. It was determined that combining the flows from the existing industrial park and Walden Woods sewer infrastructure, with the flows from the proposed development into one public pump station and force main, would not be in the best interest of the Town. As the current infrastructure within Cedar Street as noted herein is privately owned and maintained, the Town is alleviated of the operation and maintenance responsibilities of said existing force mains. In order to keep the operation and maintenance of the proposed pump station and 6-inch force main from becoming a burden on the Town, the Proponent has issued a letter assuming sole responsibility for the operation and maintenance of the proposed infrastructure. In addition to the letter, the Proponent also issued a Draft Operation and Maintenance Agreement as part of the local approval. As Cedar Street is Town of Milford property, an easement will be required in order for the Proponent to fulfill the operation and maintenance responsibilities associated with the proposed force main.

Pursuant to M.G.L. c. 30, §61 and 62 A-H of the Massachusetts Environmental Policy Act (MEPA) and its implementing regulations (301 CMR 11.00), the Proponent prepared and submitted on October 31, 2007 an Environmental Notification Form (ENF) to the Secretary of the Executive Office of Energy and Environmental Affairs (EEA) for the Project. Availability of the ENF for public review was published in the Environmental Monitor on November 12, 2007. The Secretary issued a certificate on the ENF on December 12, 2007 stating that the Project requires the preparation of an Environmental Impact Report (EIR). In May 2008, a Draft EIR was submitted to the MEPA Office for review in response to the Secretary's Scope and comments received on the

ENF. The Secretary issued a Certificate on the Draft EIR on June 27, 2008 stating that the filing “adequately and properly” complied with MEPA regulations and presented a Scope for the Final EIR. In accordance with the Draft EIR Certificate, a Final EIR was filed October 15, 2008. The Secretary issued a Certificate on the Final EIR on November 26, 2008 finding the report adequate, therefore concluding the MEPA review.

Wetlands

In order to gain suitable access to the property and build out the site, the project will result in impacts to regulated wetland resources. The proposed subdivision roadway will require two wetland crossings (the Charles River and an intermittent stream). These crossings have been designed to meet the Optimum Standards for stream crossings according to the Massachusetts Department of Environmental Protection (MassDEP), and were approved (along with the associated mitigation) under the Massachusetts Wetlands Protection Act (MWPA) and the Milford Wetlands Protection Bylaw by the Milford Conservation Commission (MCC) through the issuance of an Order of Conditions (MassDEP File No. 223-954 – dated October 5, 2006). The crossings will also require approval under Sections 401 and 404 of the Federal Clean Water Act, as authorized by the MassDEP and the U.S. Army Corps of Engineers, respectively. An isolated wetland will also be impacted to allow construction of Office Building 1. This impact (and associated mitigation) was approved under the MWPA and the local Bylaw in an Order of Conditions issued by the MCC (DEP File No. 223-987 – dated June 5, 2008).

MassDEP has reviewed and commented on the above MEPA submissions and has considered the comments of various parties on the MEPA process in connection with the permit application submitted by the proponent. This Section 61 finding is based upon the information disclosed and discussed in the MEPA review process.

II. PROJECT IMPACTS AND MITIGATION MEASURES

Wastewater Permit - BRP WP 71 - Sewer Extension

Based on rates established by the MassDEP in 314 CMR 7.15, it is estimated that the proposed 625,000 square-foot office development will generate approximately 46,875 gallons per day. In order to connect this project to the municipal sewer system, the proponent will need to construct 2,000+/- feet of 6-inch force main. Because this project requires a sewer extension equal to or greater than 1,000 feet, a Sewer Extension Permit (BRP WP 71) from MassDEP is required.

The Milford Sewer Department has confirmed that there is capacity in the municipal system to accept the sanitary sewer flows from the proposed development. The Milford WWTF is a publicly owned facility. According to the Director, the average daily flow at the plant is 3.5 million gallons per day (MGD) and the design capacity is 4.3 MGD. The facility discharges treated effluent to the Charles River.

As described in the October 6, 2008 MassDEP comment letter, the proposed project will be required to provide mitigation through the implementation of specific design elements as well as the removal of Infiltration and Inflow (I/I) from the municipal sanitary system.

Specific design elements that will be implemented include the use of pump station alarms connected through an auto-dialer to a responder available 24-hours a day, flow meters that allow for flows to be

monitored and recorded, double-lined sewer construction within the Zone A, water-tightness tests during the installation of the wet well, and separately wired high-high water alarms that would alert both office park personnel as well as Milford Water Supply in the event of a potential problem.

As currently proposed, the Project does not include any on-site food preparation facilities. In the event that a tenant is identified that will require the use of such facilities, an external grease trap will be added to the design and permitted accordingly.

According to the Director of the Milford WWTF, John Mainini, an I/I study has been conducted for the municipal sanitary system and is currently under review by the DEP. According to the study, known locations of I/I currently exist throughout the Town. The Proponent will be required to provide mitigation in the form of five gallons of I/I removal for each new gallon of flow from the Project to the sanitary sewer system (5:1 mitigation). As the construction of the project will most likely progress in phases, it is anticipated that the removal of I/I will do the same. Upon the completion and testing of an I/I removal project, the Proponent will compare the flow removed with that of the proposed phase of development and claim the appropriate credit. The Proponent will be responsible for testing actual project flows in a manner acceptable to DEP for the purposes of comparing against the I/I removed from the system.

According to the Town's consultant, Tata & Howard, the results of the I/I study have been presented to the Board along with recommendations for removal projects that should be of high priority. Once the Board has evaluated the recommendations with results of the study, the Proponent will continue to coordinate with all parties to establish a plan to provide the required I/I removal.

Additionally, MassDEP has indicated that certain areas of the sanitary system occasionally overflow following heavy rain events. The proponent will work closely with the Sewer Department to identify appropriate areas to remove I/I to insure that the post construction condition is improved over the existing situation.

Wetlands - 401 Water Quality Certificate

The proposed project, as currently designed, will result in temporary and permanent impacts to a variety of regulated wetland resources. Table 1 summarizes the anticipated project related impacts.

Table 1. Wetland Impact Summary

	Bordering Vegetated Wetland		Bank	LUWW	IVW
	Temporary	Permanent			
Retaining Wall Installation (Sta. 1+50)	1,600 sf	NA	NA	NA	NA
Charles River Crossing (Sta. 8+75)	310 sf	1,110 sf ¹	78 lf ²	435 sf ²	NA
Intermittent Stream Crossing (Sta. 16+50)	210 sf	580 sf	40 lf ³	NA	NA
Wetland 9 (Building 1)	NA	NA	NA	NA	7,680 sf
Totals	2,120 sf	1,690 sf	118 lf	435 sf ²	7,680 sf

Source: Vanasse Hangen Brustlin, Inc

sf = square feet; lf = linear feet

Of the total, 230 sf is impacted through shading and limited vegetation clearing.

No direct fill; alteration is limited to shading and limited vegetation clearing.

Of the total, 9 linear feet (45 sf) is a temporary construction impact.

As described in the two project Orders of Conditions (MassDEP File No. 223-954 and DEP File No. 223-987) the proposed project is required to provide mitigation in the form of two constructed wetland mitigation areas. The Proponent will be required to provide this mitigation at the ratio of two square feet of constructed wetland mitigation area for each square foot of wetland impacted by the Project construction (2:1 mitigation). These areas are proposed to be constructed to mitigate for the temporary and permanent impacts to wetland resources regulated under the Massachusetts Wetlands Protection Act, the Town of Milford Wetlands Administration Bylaw and Sections 401 and 404 of the federal Clean Water Act. The wetland mitigation has been designed to provide wetland functions and values equal to or above those provided by the areas to be impacted.

III. FINDINGS

MassDEP hereby finds that, with the implementation of the mitigation measures described above, all practicable means and measures will be taken to avoid minimize adverse impacts in the areas noted above to the proposed project. It does not relieve the proponent from complying with additional MEPA requirements when applying for permits from other applicable Departments or Agencies. Appropriate and more detailed conditions will be included in the Sewer Extension Permit issued by MassDEP that will describe more fully and assure the implementation of the mitigation measures described in this finding.



Paul R. Anderson
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MassDEP – Central Region

3/26/09
Date