



*The Commonwealth of Massachusetts*  
*Executive Office of Energy and Environmental Affairs*  
*100 Cambridge Street, Suite 900*  
*Boston, MA 02114*

DEVAL L. PATRICK  
GOVERNOR  
TIMOTHY P. MURRAY  
LIEUTENANT GOVERNOR  
IAN A. BOWLES  
SECRETARY

Tel: (617) 626-1000  
Fax: (617) 626-1181  
<http://www.mass.gov/envir>

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

PROJECT NAME : Legacy Farms  
PROJECT MUNICIPALITY : Hopkinton  
PROJECT WATERSHED : Concord River  
EOEA NUMBER : 14142  
PROJECT PROPONENT : Legacy Farms LLC c/o Boulder Capital, LLC  
DATE NOTICED IN MONITOR : December 10, 2007

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 hereby determine that this project **requires** the preparation of an Environmental Impact Report (EIR).

The proposed project involves development of 940 residential units and 450,000 square feet (sf) of commercial space on a 733-acre site, previously owned by Weston Nurseries and used for horticultural operations. According to the Environmental Notification Form (ENF), approximately 500 acres of the project site will remain as open space to include wetlands, restored meadows and trails. The project will result in approximately 92 acres of new impervious area. The proposed project will be developed in phases over a nine year period. The project includes single and multi-family housing, including a 240-unit rental apartment component to be developed under the Local Initiative Program (LIP). The project includes 124,000 sf of retail and commercial use in the Village Center area, 200,000 sf of office and life science uses at the Legacy Park area, and 126,000 sf of office, retail and restaurant use at the East Main Street Commercial Area of the proposed project.

The ENF proposes development of the Aprilla Farm well site located on adjacent town-owned land to serve the project's potable water supply needs and future town. Existing on-site wells will be used for irrigation purposes. Water use for the project is estimated in the ENF at an average of 230,000 gallons per day (gpd). Wastewater is estimated at 290,000 gpd (based on Title 5 estimates). The project includes construction of a private on-site wastewater treatment facility (WWTF) in the southern portion of the site, approximately 11.5 miles of water mains and

8 miles of sewer mains. Wetlands impacts associated with the project include alteration of 8,000 square feet (sf) of Bordering Vegetated Wetlands (BVW), 1,000 sf of Land Under Water, and 720 linear feet of Bank. Traffic impacts are estimated at an average of 14,529 vehicle trips per day (for a total of 17,959 trips) and the project includes construction of 3,410 new parking spaces (for a total of 3,530 spaces).

The project is undergoing MEPA review and requires a mandatory EIR pursuant to: Section 11.03(1)(a)(1) of the MEPA regulations because it involves alteration of 50 or more acres of land; Section 11.03 (1)(a)(2) because it involves creation of 10 acres or more of impervious area; Section 11.03(6)(a)(6) because it involves generation of 3,000 or more new average daily trips (adt) on roadways providing access to a single location; Section 11.03(6)(a)(7) because it involves construction of 1,000 or more new parking spaces at a single location; and Section 11.03(4)(a)(3) because it involves construction of new water mains ten miles or more in length. The project is also undergoing MEPA review pursuant to Section 11.03(4)(b)(1) because it involves withdrawal of 100,000 gallons or more per day (gpd) from a water source that requires new construction for the withdrawal; Section 11.03(5)(b)(1) because it involves construction of a new wastewater treatment facility with a capacity of 100,000 or more gpd; and Section 11.03(1)(b)(4) because of the conversion of land containing Prime agricultural soils to non-agricultural use.

The project requires a 401 Water Quality Certification, a Groundwater Discharge permit, Sewer Extension/Connection Permit, a Water Management Act Permit, New Source Approval and other water supply approvals from the Massachusetts Department of Environmental Protection (MassDEP). The project is also subject to MassDEP requirements for a Meso-scale Air Quality Analysis. The project requires an Order of Conditions from the Hopkinton Conservation Commission (and on appeal only, a Superseding Order from MassDEP). The project will require a National Pollutant Discharge Elimination System (NPDES) Construction Activities Permit from the US Environmental Protection Agency (EPA) and may require a Section 404 Permit from the U.S. Army Corps of Engineers. The project is subject to review by the Massachusetts Historical Commission and may require a State Archaeologist's Permit.

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 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, water supply, water quality, historic and archaeological resources, land, agriculture and stormwater.

## SCOPE

### General

The proponent should prepare a 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 a copy of this Certificate, a copy of each comment letter received and a response to comments. A Project Summary in clear non-technical language should be included in the DEIR. This section of the document should summarize the project,

alternatives analyzed, the type and extent of potential impacts, and mitigation measures that the proponent is committed to. It should also include a list of permits required and a timetable and cost estimate for the project. The DEIR should describe any changes to the project since the filing of the ENF. The DEIR should provide an update on the Town of Hopkinton's Host Community Agreement and the proposed amendments to the Town's Zoning Bylaws in the context of the proposed development.

The DEIR should include a description of all aspects of the project and a schedule for construction and other development activities. The DEIR should also include maps and plans at a reasonable scale that clearly locate and delineate project elements, surface water and wetlands resource areas, adjacent land uses, and aquifer protection districts on and adjacent to the project site. Maps and plans should show existing or proposed water supply resources, conservation areas (including state parks), and any priority and estimated rare species habitat in the project area. 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 proponent should consult with the towns of Hopkinton, Ashland and Southborough during preparation of the DEIR and refinement of the preferred alternative. This project is likely to have regional impacts beyond the Town of Hopkinton and I expect that the proponent will consider the comments and recommendations of the neighboring towns in analyzing project impacts and developing appropriate mitigation.

### Alternatives

As noted in the comment letter from the Metropolitan Area Planning Council (MAPC), the preferred development plan is consistent with the overall goals of local and regional planning efforts, including a study by MAPC in 2006 through a Smart Growth Technical Assistance Grant funded by the Executive Office of Energy and Environmental Affairs. However, the MAPC has recommended that uses be more closely inter-mixed. I expect the DEIR to address the MAPC comments and to provide more detailed information and analysis on the proposed Low Impact Development (LID), Green Building and other sustainable design alternatives proposed. In addition, the DEIR should include alternatives relating to wetlands, 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 alternative 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 proponent has considered several alternatives including a 327-unit single family "as-of-right" subdivision and a 200-unit 40B development (alternative 1) and a 1,360-unit residential development with 500,000 sf of retail/commercial space (alternative 2).

The DEIR should include a more detailed analysis of these alternatives. The DEIR should explain why the single family plan in alternative 1 is not a cluster plan, and why it would not include a wastewater treatment as a component or incorporate the Route 135 cutoff alternative. The DEIR should also reconsider the No Build and other alternatives that could improve existing conditions and farming operations, and promote local food production to take advantage of the availability of the agricultural soils on-site.

As further detailed in the MAPC comment letter, the proposed design does not allow for effective mixing of proposed uses. In addition, 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 promote effective mixing of uses, enhance open space and wildlife corridors, and maximize protection of sensitive resources and buffer areas. The DEIR should include an alternative that avoids development in the northern portion of the site near the Hopkinton State Park boundary, as recommended by the Department of Conservation and Recreation (DCR) in its comment letter. The alternative analysis should identify opportunities to minimize impervious area from roadways, parking and other structures (including shared and structured parking, pervious surfaces and site design alternatives). The DEIR should consider utilizing stormwater and wastewater for irrigation as alternatives to additional groundwater withdrawals.

The DEIR should discuss alternative water supply and wastewater management options and describe the rationale for the proponent's preferred alternative. The DEIR should evaluate an alternative water supply source to support the project in the event the Aprilla Farm well site is not feasible. The DEIR should discuss alternative WWTF and discharge areas considered, the potential environmental impacts of each alternative, and explain why the preferred location is being selected and others eliminated from further consideration. The DEIR should evaluate a slightly larger WWTF alternative, compared to the one proposed in the ENF, which would provide connections from sub areas 8 and 12 near the project site to address the problem of failing systems in these Needs Areas (as identified in the Hopkinton Comprehensive Wastewater Management Plan (CWMP)).

### Cumulative Impact Analysis

The cumulative impact analysis in the DEIR should address potential conflicts and synergies among proposed residential, commercial and agricultural uses at the project site, and between the project, nearby residences and the Hopkinton State Park. The DEIR should describe how the project is being designed to avoid adverse impacts and promote compatibility among different site uses and between the project and land uses in the vicinity of the site. The DEIR should assess the cumulative impacts of the project, including potential impacts to resources and infrastructure in neighboring communities and the region, pursuant to 301 CMR 11.07(6)(h). The DEIR should include proposed measures to avoid and minimize impacts.

As further detailed in the comment letter from the Department of Conservation and Recreation (DCR), the northwestern portion of the project site is directly upgradient from Hopkinton State Park, which includes the Hopkinton Reservoir. DCR has expressed concerns regarding potential impacts to water quality, trail connections and traffic. I refer the proponent to DCR's comment letter for recommendations related to protection of state park resources and visitor experience, which I expect the proponent to address in the DEIR.

Cumulative impacts associated with water withdrawal and wastewater should be addressed in the DEIR as further detailed below. The DEIR should describe how the water and wastewater systems are being designed and located to avoid and minimize adverse cumulative impacts. The DEIR should discuss potential watershed impacts associated with the project.

The DEIR should address cumulative impacts of all phases of the project. 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 development.

#### 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, habitat restoration 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 a parking needs assessment and provide information to justify the proposed number of parking spaces.

A number of commenters have expressed concerns regarding pesticides and other chemicals that may be present in soils as a result of past horticultural operations. The DEIR should discuss the results of any soil analyses conducted and potential impacts associated with soil disturbance during and post-construction. The DEIR should describe soil management plans and/or other measures to avoid, minimize or mitigate potential impacts associated with any soils that may be contaminated.

The DEIR should include site plans that clearly locate and delineate areas proposed for development, areas to be left undisturbed, and areas to be restored. The DEIR should describe proposed uses for open space areas and include a detailed description of proposed agricultural land restoration. The DEIR should provide additional information on the proposed Life Science uses as requested in several comment letters and identify any additional MassDEP or other state agency permits that may be required for industrial or commercial uses proposed.

#### Agriculture

The DEIR should provide a more detailed description of existing and proposed site conditions in response to comments from the Department of Agricultural Resources (DAR). The DEIR should quantify the amount of cropland (in acres) that will be impacted by the proposed

project and the amount that will remain once the project is complete. The DEIR should include a breakdown of the acreage of Prime, State and Locally important soils that will be impacted by the proposed development. The DEIR should include the amount and type of cropland acres to be utilized (as cropland) by either Weston Nurseries or other commercial farming enterprise once the project is complete. The proponent should consult with the DAR regarding any mitigation that may be required and provide an update on consultations in the DEIR. The DEIR should address the potential loss of agricultural lands for future local food production and consider measures to mitigate this as part of the alternatives analysis for potential site uses. The DEIR should discuss Agricultural Preservation Restrictions (APRs) for undeveloped land on the project site and/or remaining land proposed for continued operation by Weston Nurseries.

### Wastewater

The ENF proposes construction of a 290,000 gpd Wastewater Treatment Facility (WWTF) and on-site disposal system in the southern portion of the site off Clinton Street. The project also includes a proposed public water supply well, which appears to be within a two-year travel time of the proposed WWTF discharge area. In addition, the Town of Ashland's Howe Street wells are located on the north side of the proposed development. The DEIR should include an analysis of potential impacts of wastewater discharge on the proposed Aprilla Farm well and the Howe Street wells. The DEIR should describe how the project will meet applicable MassDEP permit requirements.

The DEIR should include a detailed description of the proposed wastewater treatment and discharge facility. The DEIR should include an evaluation of the potential wastewater system impacts on groundwater hydrology, surface water and wetlands resources in the project area. The DEIR should include a thorough evaluation the travel time from the WWTF discharge to the proposed new Aprilla Farm public water supply, and the Town of Ashland Howe Street wells. The DEIR should evaluate potential wastewater reuse opportunities, such as irrigation and dual plumbing in office buildings.

As noted by MassDEP in its comment letter, the Town of Hopkinton recently completed a Comprehensive Wastewater Management Plan (CWMP), which included seven Needs Areas recommended for connection to a regional or local WWTF. Two of these needs areas (sub areas 8 and 12) border the Weston Nurseries property. The DEIR should include an evaluation of a slightly larger WWTF to accommodate connection of failing systems in these Needs Areas.

The DEIR should clarify ownership and management arrangements for the wastewater treatment and disposal system and demonstrate how the project is being designed to ensure that adverse impacts to water quality will be avoided and minimized. The DEIR should provide additional information on existing Title V septic systems and proposed septic tanks to address the comments of the Hopkinton Board of Health. The DEIR should provide an update on discussions with the Town of Hopkinton regarding connections from existing developments to the proposed sewer system. The DEIR should provide an update on consultations with MassDEP regarding the groundwater discharge and water supply permit process.

### Water Supply

The proponent has proposed construction of a drinking water supply well to serve the project's potable water needs. As noted in the MassDEP comment letter, the proponent intends to transfer ownership and control of the well and associated lands to the Town of Hopkinton to provide additional water withdrawal capacity and operational flexibility within the Town's existing system. The proposed well site will require successful completion of a number of MassDEP drinking water permits. The proposed well site appears to be located within a two-year travel time of the groundwater discharge system. Therefore, the wastewater discharge will require treatment to a higher standard. Discharge limits will be established and enforced through the MassDEP wastewater permitting process. Since the impacts of the proposed groundwater discharge and well are inter-related, the approval process for these permits must be done concurrently.

The DEIR should include information on existing conditions of the proposed well site and clearly delineate the well site boundaries on site plans. The DEIR should provide a detailed description of the proposed water supply system and discuss how the project will meet MassDEP permitting requirements and promote water conservation. The DEIR should include results of the pump test for the Aprilla Farm well and discuss its capacity in the context of the proposed project and future municipal needs. The DEIR should also discuss plans for ownership and management of the water supply system. The DEIR should discuss plans to extend the water supply system to other residential areas. The DEIR should quantify water demand for each phase of the project according to use and include a break-out for residential, commercial, irrigation and any other anticipated uses. The DEIR should include a list of housing units including the number of bedrooms proposed in order to clearly evaluate water supply needs.

The DEIR should evaluate potential impacts of the proposed Aprilla Farm water supply and its alternatives. The DEIR should assess withdrawal impacts on site hydrology, surface waters, wetlands resource areas, and public water supplies in the project area. The DEIR should also address potential impacts to any private drinking water supplies in the project area. Site plans should include delineations of the Zone I and Zone II of existing and proposed wells. The DEIR should include an evaluation of the impact of proposed withdrawal on existing and proposed public water supplies in the project area, as further detailed in the comment letters from the MassDEP and the Towns of Hopkinton, Ashland and Southborough.

The DEIR should clarify the amount of water currently obtained from the municipal system for Weston Nurseries. The DEIR should clarify the level of development that could be supported by the Town of Hopkinton's existing WMA permit and the additional amount that would need to be authorized for the project at full build-out. The DEIR should also discuss feasible alternatives to the proposed Aprilla Farm well.

The DEIR should identify proposed withdrawal locations for irrigation, estimated in the ENF at 60,000 gpd. The DEIR should include an update on the proposed transfer of the Weston Nurseries Water Management Act (WMA) registration statement that includes 17 surface water withdrawal locations. The DEIR should discuss how the reduction in irrigation from 1 million gpd to 60,000 gpd may affect site hydrology.

As noted in the ENF and in comment letters received, the project site is located near the Hopkinton reservoir and contains water resources that are tributary to the reservoir, an important source of water for the towns of Ashland and Hopkinton. The DEIR should discuss potential project impacts to the tributaries and reservoir, and measures proposed to ensure protection of water resources. The DEIR should explain measures proposed to address potential water quality impacts from the use of pesticides, herbicides and fertilizers.

The proponent should work closely with the Hopkinton State Park Supervisor on development of any trails that might connect into the state park to address DCR concerns relating to increased access for illegal Off Highway Vehicle use in the Hopkinton State Park and uncontrolled access to the reservoir.

### Open Space and Habitat Conservation

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 should clearly identify different open space areas and their proposed uses. The DEIR should identify areas proposed for Conservation Restriction (CR) or other permanent protection. The DEIR should describe, and indicate on site plans, how proposed recreation trails will connect to open space and parks outside the project area as further detailed in the comment letter from MAPC. The DEIR should describe how proposed trails will connect with existing trails and other local resources as recommended by the Hopkinton Trails Club in its comment letter.

Site plans in the DEIR should show how habitat fragmentation will be minimized by providing contiguous habitat areas and wildlife corridors. The DEIR should provide additional information to justify the statement in the ENF that the proposed project will improve wildlife habitats. The DEIR should include information on mechanisms proposed to ensure permanent protection of open space and wildlife habitat, identify areas proposed for Conservation Restrictions (CR) and include drafts of any CR or Agricultural Preservation Restriction (APR) proposed.

### Wetlands

All wetlands resource areas on and adjacent to the project site, including Riverfront Area and Bordering Land Subject to Flooding, should be clearly identified and delineated on site plans. The plans and graphics in the DEIR should be of sufficiently large scale to illustrate the impacts of the project on wetlands and wetlands buffer zones. The proposed development plan should be superimposed on a plan with existing conditions to facilitate review and assessment. The site plan should reflect the most recent Riverfront and other wetlands delineations approved by the Town of Hopkinton Conservation Commission. Proposed areas of impact and replication areas should be identified on site plans, and described and quantified. The DEIR should describe measures that will be implemented to avoid and minimize, or mitigate adverse impacts to wetlands and buffer zones. The DEIR should include an update on the status of wetlands and streams and discuss implications with regard to setbacks and other requirements of the Wetlands



Protection Act. The DEIR should discuss measures to protect vernal pools and provide an update on the vernal pool certification process.

The DEIR should clarify potential impacts to wetlands including Bordering Land Subject to Flooding and Riverfront Area, and discuss any compensation or other mitigation required. The DEIR should include the amount and location of any buffer zone impact. The DEIR should describe how the project will comply with applicable Wetlands Protection Act and 401 Water Quality Certification regulatory requirements.

The ENF proposes alteration of 8,000 sf of BVW. The DEIR should include an alternatives analysis that meets the requirements of the Water Quality Regulations at 314 CMR 9.06 and demonstrates that the project will avoid and minimize or mitigate wetlands impacts to the extent feasible. As further detailed in the MassDEP comment letter, a span or bridging technique is presumed to be practicable and should be considered in the alternatives analysis.

As further detailed in the comment letter from the Town of Hopkinton Conservation Commission, wetlands health and the existence of certain wetlands was dependent on the Weston Nurseries irrigation practices. The DEIR should include a detailed discussion of potential impacts to the wetlands that may result from proposed changes in water use throughout the project site.

#### Stormwater and Drainage

The DEIR should provide a detailed description of the proposed stormwater management system including proposed LID features. The DEIR should include a pre and post-construction drainage analysis. The DEIR should describe how the proposed stormwater management system will achieve MassDEP stormwater management policy standards and discuss arrangements for ownership and maintenance to ensure long-term effectiveness of the system. 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 92 acres of impervious area.

The DEIR should include site plans that locate proposed Best Management Practices (BMPs) for stormwater management and a discussion of Total Suspended Solids (TSS) removal for the final design. The DEIR should also include a more detailed discussion of temporary erosion control measures for the Stormwater Pollution Prevention Plan permit as requested by MassDEP.

#### Air Quality

Due to the significant number of projected new daily vehicle trips, the project triggers MassDEP's review threshold for an air quality mesoscale analysis that compares the Build and No Build conditions. The proponent should use the current emission model, MOBILE 6.2 and consult with MassDEP regarding the modeling protocol prior to conducting the analysis.

The purpose of the mesoscale analysis is to determine whether, and to what extent, the proposed project will increase the amount of volatile organic compounds (VOCs) and nitrogen oxides (NOx) in the project area. The mesoscale analysis will also be used to determine if the project will be consistent with the Massachusetts State Implementation Plan (SIP). The proponent will be required to provide mitigation for emission increases due to the project. The DEIR should include the results of the meso-scale analysis as well as commitments to any required mitigation and a description of proposed mitigation measures. The proponent must demonstrate a good faith effort to develop, implement, or fund adequate mitigation measures to offset emission increases to the maximum extent possible. Mitigation measures may include Transportation Demand Management (TDM) measures and/or other project-specific measures.

For the purposes of determining traffic impacts and site access evaluations, the project proponent must conduct an analysis of all roadway segments affected by the project, specifically the area within a 0.3-16 km radius of the project; the exact geographical area depends on local conditions and the impact of the project on area travel patterns. The area should be large enough to include all roadway links that could experience a 10% potential increase in traffic and which currently operate at, or will be degraded to, a level of service (LOS) D or lower. I refer the proponent to MassDEP's comment letter for additional guidance on the mesoscale analysis.

The project may be subject to the Rideshare Regulations (310 CMR 7.16), a clean air program that applies to employers with 250 or more daily employees. I encourage the proponent to consult with MassDEP on this issue. The DEIR should clarify whether the project is subject to the Rideshare regulations, and if so, the DEIR should describe how the project will comply with applicable air quality program requirements. I refer the proponent to the MassDEP comment letter and strongly encourage the proponent to incorporate other MassDEP recommendations as part of its mitigation plan to minimize impacts associated with vehicle emissions.

#### Greenhouse Gas Emissions (GHG)

Although the project requires an EIR, it will not receive financial assistance from the Commonwealth and does not require an Air Quality Permit from MassDEP or a Vehicular Access Permit from the Massachusetts Highway Department. Therefore, the project is not subject to the requirements of the EEA/MEPA Greenhouse Gas Emissions (GHG) Policy and Protocol. However, the project will result in GHG emissions associated with transportation and energy consumption. Therefore, I encourage the proponent to expand upon the air quality mesoscale analysis to include Carbon dioxide (CO<sub>2</sub>) emissions associated with the project, and to voluntarily provide a quantitative analysis of GHG emissions and mitigation commitments pursuant to the final policy.

#### Transportation

The project does not require a state highway access permit. Therefore, transportation issues (with the exception of air quality impacts as further detailed above) are under local jurisdiction and not a required component of the scope for the EIR. However, I have received many comments regarding the potential significance of the project's traffic impacts. While beyond my authority to require, I believe it would be most appropriate to address these issues in

the EIR, and I encourage the proponent to include a traffic study and mitigation plan in the DEIR to address the requests for additional information and analysis in comment letters from DCR, the Towns of Hopkinton, Ashland and Southborough, the Metropolitan Area Planning Council (MAPC), and others. I encourage the proponent to consult with the communities affected and with DCR and MAPC regarding the traffic study, to incorporate their recommendations into the traffic study design, and a response to comments in the DEIR.

The proponent has committed to implementing Transportation Demand Management (TDM) measures as part of the project. The DEIR should include details of a TDM plan including any mitigation requirements based on the air quality mesoscale analysis and/or Rideshare regulatory requirements. The proponent should consider TDM recommendations from MassDEP and other commenters. The TDM plan should demonstrate how the project will promote pedestrian and bicycle access, and public transit to reduce vehicle travel to and from the site. The TDM plan should describe on-site amenities and incentives that will be provided to encourage pedestrian activity on-site and reduced vehicle trips off-site. The TDM plan should also provide additional information on the proposed shuttle bus between the project site and commuter rail stations.

#### Historical and Archaeological Resources

As further detailed in the comment letter from the Massachusetts Historical Commission (MHC), the project area is adjacent to three ancient archaeological sites and includes four inventoried historic properties. The ENF indicates that the historic properties on the project site will be retained and rehabilitated. I encourage the proponent, as recommended by MHC, to develop rehabilitation plans in accordance with the Secretary of the Interior's Standards for Rehabilitation. The DEIR should include additional information on proposed building reuse and rehabilitation. The proponent should provide building elevations for all new construction keyed to existing plans to the MHC. I also ask that the proponent provide project information to the Hopkinton Historical Commission for review and comment and forward copies of the Commission's comments to MHC.

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. The DEIR should discuss measures to avoid, minimize or mitigate any adverse effects to significant archaeological resources. However, in order to protect sites, the DEIR should not include sensitive archaeological site locations.

#### Construction

The DEIR should include a Construction Management Plan (CMP) describing project activities and their schedule and sequencing, site access and truck routing, and best management practices (BMPs) that will be used to avoid and minimize adverse environmental impacts. The CMP should address potential impacts and mitigation relating to land disturbance, noise, dust, odor, nuisance, vehicle emissions, construction and demolition debris, and construction-related traffic. The CMP should discuss plans for reuse and recycling of construction materials. 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<sub>2.5</sub>) and related health impacts.

### Sustainable Development

The DEIR should describe the project's consistency with the Office of Commonwealth Development (OCD) Ten Sustainable Development Principles. In addition to the open space and habitat restoration goals, the proposed project presents a great opportunity to model green building and other sustainable design features. In the spirit of Principle #5 "Conserve Natural Resources", 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.

### Mitigation

The DEIR should include a separate chapter on mitigation measures, which should include proposed Section 61 Findings for all state permits and a summary table of all mitigation proposed. The mitigation chapter of the DEIR should describe proposed mitigation measures, contain clear commitments to mitigation and a schedule for implementation, and identify parties responsible for funding and implementing the mitigation measures.

### Comments

The DEIR should respond to the comments received on the ENF to the extent that the subject matter of the comment is within the Scope. The proponent should use either an indexed response to comment format, or direct narrative response. The DEIR should present any additional narrative or quantitative analysis necessary to respond to the comments received.

### Circulation

The DEIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should be sent to the list of "comments received" below. A copy of the DEIR should be made available for public review at the Hopkinton, Ashland and Southborough Public Libraries.

January 23, 2008

DATE



Ian A. Bowles, Secretary

## Comments Received

12/24/07 Massachusetts Historical Commission  
12/28/07 Department of Conservation and Recreation  
1/03/08 Metropolitan Area Planning Council  
1/07/08 Russell H. Ellsworth  
1/11/08 Mary Pratt  
1/12/08 Paul and Diane Meade  
1/12/08 Annmarie Farrell  
1/13/08 Robert L. Stayton and Barbara K. Mindell  
1/14/08 Department of Environmental Protection, Central Regional Office  
1/14/08 Department of Agricultural Resources  
1/14/08 Town of Hopkinton  
1/14/08 Town of Ashland  
1/14/08 Town of Southborough  
1/14/08 Water Supply Citizens Advisory Committee  
1/14/08 Hopkinton Trails Club  
1/14/08 Cedar Swamp Conservation Trust  
1/14/08 Ann Hayes  
1/14/08 Pete Heron  
1/14/08 Jennifer J. Lund  
1/14/08 John J. Lareau (for The Lareau Family)  
1/14/08 Christopher J. Barry  
1/14/08 Julia Linnell  
1/14/08 Matt, Cindy and Matthew Zettek  
1/14/08 Leilani Lew Bonnano  
1/14/08 Jane Moran  
1/14/08 Kerry Davis  
1/14/08 Mavis O' Leary  
1/14/08 Mavis O' Leary (second letter)  
1/14/08 Charles R. Green  
1/15/08 Patricia and Robert Coffin  
1/15/08 Stephen J. Kerlin, Town Planner, Town of Ashland  
1/15/08 Karen L. Sherman, Town Planner, Town of Holliston  
1/16/08 Dale T. Danahy, President, Colella's Super Market, Inc.  
1/17/08 Cedar Swamp Conservation Trust (second letter)  
1/17/08 Nancy J. Peters

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