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March 1, 2007

**CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
SINGLE ENVIRONMENTAL IMPACT REPORT**

PROJECT NAME : Childs Bridge Farm II
PROJECT MUNICIPALITY : Bridgewater
PROJECT WATERSHED : Taunton River
EOEA NUMBER : 13802
PROJECT PROPONENT : Angelo D'Emilia
DATE NOTICED IN MONITOR : January 23, 2007

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H), I hereby determine that this project adequately and properly complies with MEPA and its implementing regulations (301 CMR 11.00). No further MEPA review is required.

As described in the Environmental Notification Form (ENF) and the Single Environmental Impact Report (EIR), the proposed project consists of a 97-lot residential development. The project includes associated infrastructure including roadways, parking and a stormwater management system. The project will connect to the municipal water supply and wastewater will be managed through individual on-site systems. Access will be provided to the site via two driveways.

The site consists of a 144-acre site bounded by the Taunton River to the east, Cherry Street to the south and existing residences to the south and west. The site consists of undeveloped forest and wetlands and includes areas mapped as Priority Habitat for rare species, including the Eastern Box Turtle, by the Natural Heritage and Endangered Species Program (NHESP). The Taunton River has been nominated for designation as a federal Wild & Scenic River.

The project is undergoing MEPA review and subject to preparation of a mandatory EIR pursuant to Section 11.03 (1)(a)(2) because it requires a state permit and will create more than 10

acres of impervious surfaces. The project requires a Conservation and Management permit from the NHESP and a Water Supply Distribution System Modification permit from the Department of Environmental Protection (DEP). MEPA jurisdiction is limited to the subject matter of required or potentially required state permits. This includes rare species habitat and water supply.

Potential environmental impacts are associated with the alteration of approximately 36.5 acres of permanent land alteration, creation of 12.7 acres of impervious surfaces, generation of 485 vehicle trips per day (tpd), use of 32,010 gallons per day (gpd) of water and generation of 32,010 gpd of wastewater.

Procedural History

In accordance with Section 11.05 (7) of the MEPA regulations and based on a review of the Expanded ENF, consultation with public agencies and comment letters, the proponent was permitted to file a Single EIR. The Expanded ENF demonstrated a commitment to avoid impacts and responded constructively to prior guidance from NHESP. The Scope was intended to identify additional analysis and information necessary to complete MEPA review and ensure that proposed mitigation achieves the goal of adequately avoiding, minimizing and mitigating impacts. This includes additional alternatives analysis and information on the implementation of proposed mitigation.

Review of the Single EIR

The Single EIR includes a thorough description of the project and all project elements and construction phases. It describes each state permit required for the project and demonstrates that the project meets applicable performance standards. The project, as proposed, avoids construction within the 100-foot wetlands buffer zone and within the riverfront area. None of the lots contain wetlands although development of a few lots may include work within the buffer zone to wetlands. The proponent has committed to permanent protection of open space including land along the Taunton River. In addition, the project has received local permits indicating that it has been developed consistent with Bridgewater bylaws allowing cluster development.

The Single EIR includes description of a Reduced Build Alternative (a 59-lot subdivision) that would minimize land alteration, minimize impervious surfaces and protect additional habitat and compares it to the impacts of the Preferred Alternative. The Single EIR indicates that this alternative is not feasible based on development costs associated with the property. The Single EIR does not provide an analysis of how the Preferred Alternative could be modified to further decrease the amount of impervious surfaces or alteration within Priority Habitat. NHESP, in its comment letter, does not request further analysis of this issue and indicates that it expects to be able to issue a Conservation and Management Permit for this project based on the design and mitigation commitments included in the Single EIR.

As noted in the Certificate on the EENF, the overall project avoids and minimizes environmental impacts by avoiding direct wetland alterations, including a commitment to permanent habitat protection through the placing of a CR on a 72-acre open space parcel, placing of deed restrictions on the backs of Lots 41-43 lots to minimize the potential for additional land

alterations by individual homeowner and funding for protection of approximately 42 acres of off-site Eastern Box Turtle habitat (\$136,000).

The Single EIR includes a Draft Conservation and Management Plan, describes and quantifies the extent of rare species habitat, identifies potential impacts (temporary and permanent) and addresses the comments raised by NHESP during the review of the EENF. The Single EIR indicates that the feasibility of speed bumps to prevent turtle mortality was explored; however, the Bridgewater Planning Board has indicated that they would not be permitted. The Single EIR indicates that vertical curbing will not be incorporated into the roadway design to minimize disruption to turtle movements. The Single EIR describes, in detail, mitigation measures that will be used during construction to avoid, minimize and mitigate impacts to turtles.

NHESP should consider requiring the proponent to place permanent markers at all lot corners that abut the conservation portion of the property to clearly demarcate it and avoid further alteration by homeowners. The Single EIR did not identify whether vegetation and wildlife management plans to protect biodiversity of the site will be incorporated into the mitigation package. In addition, the Taunton River Watershed Alliance (TRWA) continues to advocate that off-site mitigation be provided within the Taunton River watershed and in proximity to the project site. NHESP has indicated that it would like to receive proposals for specific land protection projects within the watershed (while noting that such proposals will be evaluated within the parameters of its land acquisition guidelines).

The Single EIR includes a description of the CR (and an illustration on a site plan) and provides draft language for the CR. This language indicates that the CR will be held by the Town of Bridgewater (although the Town has not provided a commitment to accept the CR). It is critical that the holder of the CR have the resources to develop a conservation and management plan, monitor the CR and enforce it effectively. The proponent should work with NHESP, the Town and the TRWA to explore whether an interest in the CR could be shared with a non-profit organization and to ensure sufficient resources are provided to fully develop a long-term conservation and management plan. Also, TRWA continues to express interest in establishing passive public access along the Taunton River as a component of the project. The Single EIR indicates that public access is not planned for the site and the CR language prohibits access. The project proponent and NHESP should consider further whether public access on the site can be provided while maintaining an appropriate balance with the protection of rare wildlife.

The Single EIR describes the stormwater management system and addresses MassDEP comments related to stormwater. It indicates that the stormwater management system will consist of deep sump catch basins with forebays and detention basins that discharge to upland areas. In addition, the Single EIR indicates that a portion of the roof runoff will be infiltrated through dry wells or development of rain gardens. The area of the site within the Zone II to public water supplies will include sediment traps, a detention basin with a sediment forebay at the inlet, infiltration basins and infiltration trenches to provide additional attenuation of pollution associated with stormwater runoff.

Mitigation

The Single EIR includes a commitment to the following measures to avoid, minimize and mitigate project impacts:

- permanent protection of 50% of the site (72 acres) open space proposed to be conveyed to the Town of Bridgewater through a CR;
- avoidance of wetland impacts and work within the buffer zone to wetlands and the riverfront area;
- increased stormwater discharge setbacks from wetland resource areas and the Taunton River;
- construction of an effective stormwater management system consistent with DEP's Stormwater Management Policy;
- contribution of \$136,000 to the NHESP for the purchase of additional open space to protect the eastern box turtle;
- pre-construction surveys to reduce potential takes of the Eastern box turtle;
- training and education of construction workers to identify and protect the Eastern Box Turtle and construction monitoring;
- installation of a silt fence between the proposed roadway and the conservation land to prevent turtles from entering the construction zone.

I am satisfied that the proponent adequately assessed the potential impacts of the project and committed to measures that will avoid, minimize and mitigate adverse impacts. I am also satisfied that any remaining issues can be addressed through the state permitting processes. The proposed project requires no further review under MEPA and may proceed to permitting. The permitting agencies should forward a copy of their final Section 61 Findings to the MEPA Office for completion of the project file.

March 1, 2007

Date



Ian A. Bowles

Comments Received:

2/22/07	Department of Environmental Protection Southeast Regional Office (DEP SERO)
2/13/07	Division of Fisheries and Wildlife/Natural Heritage and Endangered Species Program (NHESP)
2/22/07	Taunton River Watershed Alliance, Inc.

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