



# The Commonwealth of Massachusetts

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March 3, 2006

## CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE SECOND SUPPLEMENTAL SINGLE ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Fruit Street Master Plan  
PROJECT MUNICIPALITY : Hopkinton  
PROJECT WATERSHED : SuAsCo  
EOEA NUMBER : 13092  
PROJECT PROPONENT : Town of Hopkinton  
DATE NOTICED IN MONITOR : January 25, 2006

As Secretary of Environmental Affairs, I hereby determine that the second Supplemental Single Environmental Impact Report (second SSEIR) **adequately and properly complies** with the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00).

The proposed project consists of a Master Plan for development of a 257-acre parcel off Fruit Street, which includes affordable and senior housing, a school, recreational facilities, roadways, water and wastewater infrastructure, and a Department of Public Works (DPW) facility.

A Special Review Procedure (SRP) was established for the review of the Fruit Street Master Plan (SRP Certificate, September 22, 2003). The SRP established an EIR process that consists of the filing of a Single Master Plan EIR (SEIR) and subsequent filings of a series of Notices of Project Change (NPC) to provide a more detailed level of analysis for specific project elements. On December 30, 2004, I issued a Certificate on the SEIR requiring a Supplemental SEIR (SSEIR) and in a Final Record of Decision (February 11, 2005), I granted a Phase I Waiver for certain project components including gravel access road improvements, athletic field construction, removal of existing buildings and underground storage tanks (USTs), and drainage improvements for a portion of Fruit Street. The proponent filed the SSEIR in October 2005. A Certificate on the SSEIR was issued on November 14, 2005 in which I required a second SSEIR to

address the analysis of alternatives and other issues that required further clarification. The second SSEIR, which is the subject of this Certificate, was filed in January 2006.

As described in the second SSEIR, the proposed project involves phased development of a 257-acre site off Fruit Street. Components of the proposed project include an elementary school with an early childhood center, a DPW facility, affordable and senior housing (154 units), recreation fields, a public drinking water supply well, a wastewater treatment and disposal facility (WWTF), and site access roadways. Approximately 108 acres of the site is proposed for development. The remaining 149 acres of land will remain as open space. Approximately 145 acres will be permanently protected under a Conservation Restriction and 4 acres (a portion of the Zone I of off-site wells) will remain under the ownership and oversight of the Hopkinton Water Department. Site development will result in approximately 18.66 acres of impervious area and 74 acres of land alteration. The proposed Master Plan includes construction of a water supply well for groundwater withdrawal of 500,000 gallons per day (gpd) and an irrigation well to withdraw approximately 1,100 gpd. The wastewater project component includes treatment and land disposal of approximately 350,000 gpd of effluent and construction of associated infrastructure. The proposed water supply and wastewater infrastructure will help meet the Town of Hopkinton needs for off-site water and sewer services in addition to the proposed project needs. Water use and wastewater generation for the proposed project are estimated at 39,600 gallons per day (gpd) and 36,000 gpd respectively. Traffic is estimated at approximately 2,900 daily vehicle trips and the proposed Master Plan includes 798 parking spaces.

The project is undergoing environmental review and requires the preparation of a mandatory EIR pursuant to Sections 11.03(1)(a)(1) and (2) of the MEPA regulations because it involves alteration of 50 acres or more of land and creation of 10 acres or more of impervious area. The project is also undergoing review pursuant to Section 11.03(4)(b)(1) because it involves withdrawal of 100,000 or more gpd from a water source requiring new construction for the withdrawal, Section 11.03(5)(b)(1) because it involves construction of a new wastewater treatment and disposal facility with a capacity of 100,000 or more gpd, and Section 11.03(2)(b)(2) because it involves a take of a state-listed rare species. The project is undergoing MEPA review pursuant to Section 11.03(6)(b)(13) and (15) because it will generate 2,000 or more vehicle trips per day and involves construction of 300 or more new parking spaces, and Section 11.03(5)(b)(3)(c) because it involves construction of  $\frac{1}{2}$  or more miles of sewer mains.

The project will require a Water Management Act Permit, a Groundwater Discharge Permit, New Source Approval, and a Sewer Extension Permit from the Department of Environmental Protection (DEP). The project also requires a public hearing by DEP for the proposed WWTF in accordance with MGL Chapter 83, Section 6. The project requires a Conservation and Management Permit from the Division of Fisheries and Wildlife (DFW), Natural Heritage and Endangered Species Program (NHESP). The project requires an Order of Conditions from the Town of Hopkinton Conservation Commission (and, on appeal only, a Superseding Order from DEP) and other local permits. The project also requires a National Pollutant Discharge Elimination

System (NPDES) Construction Activities Permit from the US Environmental Protection Agency (EPA).

The proponent may seek financial assistance from the Commonwealth for the project. MEPA jurisdiction therefore extends to all aspects of the project that may cause significant Damage to the Environment as defined in the MEPA statute<sup>1</sup>.

### Alternatives

The second SSEIR presents two new alternative Master Plans (Concepts E and F) that reduce project-related impacts. Concept E includes most uses proposed in the preferred alternative and reduces the scale of development. Concept E proposes pervious surface for recreational area parking and reduces parking at the school by approximately 15%. Concept E also eliminates 34 residential units and the DPW fuel and salt storage facilities. Impact reductions associated with Concept E include a 23% decrease in mature forest clearing, a 20% decrease in impervious surfaces, an 8% decrease in traffic generation, and a 12% decrease in overall land alteration.

The other new alternative presented in the second SSEIR, Concept F, removes the proposed DPW facility in its entirety thereby allowing a reconfiguration of the school component to move the impervious parking areas further away from the Zone I of existing wells. Concept F also removes the main access road out of the Zone I. Impact reductions associated with Concept F include an approximately 20% decrease in mature forest clearing, a 15% decrease in impervious area, a 25% decrease in traffic generation and a 10% decrease in overall land alteration.

While the second SSEIR presents alternatives that would reduce overall project impacts, the proponent's preferred alternative remains the same as that proposed in the SSEIR, with a few minor modifications. As project planning proceeds, I encourage the proponent to consider incorporating some of the design changes identified in the alternatives analysis that would minimize project impacts.

### Conservation Restrictions

The second SSEIR clarifies the proponent's commitments to permanent protection of land under a Conservation Restriction (CR). The second SSEIR also includes revised draft CR language and identifies proposed CR boundaries on site plans. As described in the second SSEIR, the proponent has committed to placing 145 acres of land under a CR in accordance with the Memorandum of Agreement (MOA) with the NHESP. The proposed CR includes the Zone I of the proposed H-2 Well and other areas identified in previous filings as potential water supply resources. Most of the Riverfront

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<sup>1</sup>In the event that the proponent does not seek financial assistance from the Commonwealth for the project, MEPA jurisdiction would extend to the subject matter of required or potentially required state permits or Agency Actions. Given the broad subject matter of the permits required, most of the potential impacts would likely fall within MEPA jurisdiction.

Area has been included in the proposed CR. I encourage the proponent to permanently protect all Riverfront Area under a CR.

### Rare Species

The NHESP has determined that the proposed project will result in a "take" of the Spotted Turtle (*Clemmys guttata*). The proponent should work closely with NHESP to finalize the conditions for a Conservation and Management Permit including details relating to proposed turtle crossing design and Conservation Restrictions (CR). The proponent should obtain NHESP approval of CR boundaries and CR text. A copy of the final CR should be submitted to the MEPA office for the project file.

The proponent should also consult with NHESP on other aspects of project design and ensure that the final design of wells, the WWTF, stormwater management system and other project components avoids short-term and long-term adverse effect to resource area rare species habitat protected pursuant to the provisions of the Wetlands Protection Act regulations.

### Stormwater Management and Low Impact Development (LID)

As required by the Scope, the second SSEIR provided additional information to address concerns over loss of hydrological input to wetlands (at analysis point 4a). The proposed Master Plan includes an expanded infiltration basin to avoid any decrease in groundwater recharge to wetlands. The proponent has committed to evaluating and incorporating LID techniques in project design. LID techniques being included or considered include use of grey water and rainwater, pervious surfaces, recycled flooring, roof gardens, indigenous and drought-tolerant landscaping, and energy-efficient systems. I will expect additional detail and the incorporation of LID techniques in future MEPA filings as may be appropriate under relevant permits.

### Cumulative Impact Analysis

The second SSEIR provided additional information on cumulative stormwater impacts and secondary impacts associated with wastewater infrastructure, as well as impacts associated with the new alternative Master Plans (Concepts E and F). I encourage the proponent to consider the Town of Hopkinton Planning Board's recommendation that the DPW policy on proposed sewer infrastructure should be based on areas of need identified in the Comprehensive Wastewater Management Plan (CWMP) and other documents. I expect additional analysis of cumulative impacts, including water withdrawal and wastewater impacts, in future MEPA filings.

### Water Supply

The project includes development of a water supply well at Test Well site H-2, with a proposed withdrawal of up to 500,000 gpd. As further detailed in the DEP comment letter, the final approved pumping rate will be limited to the calculated safe

yield limit of 504 gallons per minute (GPM), and the approved rate will be limited such that the combined withdrawal capacity of the existing Fruit Street Wells and Well H-2 shall not exceed the existing capacity of the Fruit Street Wells (520 GPM). The pumping rate limits will be included as a Special Condition of the Town of Hopkinton's Water Management Act Permit, which will also require that the Town meet water conservation performance standards.

Water sampling at the Test Well indicated elevated sodium concentrations. As further detailed in the DEP letter, any future water supply will require treatment to reduce sodium concentrations, and any proposed on-site salt storage facilities will need to comply with 310 CMR 22.21(2)(b)2.

The second SSEIR also includes groundwater recharge maps for existing and developed conditions, which generated some comments regarding potential negative impacts on Whitehall Brook associate with proposed water supply well. Based on additional information provided by the proponent during MEPA review (in a letter dated March 2, 2006), the "developed conditions" contour map (Appendix A of second SSEIR) represents simulated Zone II (most severe) conditions and does not represent normal pumping conditions. The maximum drawdown observed in test wells during the pump test was approximately 0.4 feet (compared with the 4-foot drawdown indicated in the Zone II conditions contour map in the Second SSEIR).

Based on the groundwater modeling conducted for the proposed project, one percent of the water pumped from the well, under Zone II conditions, could be impacted by wastewater discharge. The time of travel is estimated at almost 10 years, which is acceptable under DEP guidelines. If the proponent proceeds with DEP permit applications for the WWTF, the Zone II for the H-2 Well should be re-delineated as indicated in DEP's comment letter. Several commenters raised questions about the accuracy of the Zone II boundaries included in the second SSEIR. In a letter from the proponent (dated March 2, 2006), the proponent indicates that a revised version of the Zone II map was released since the filing of the second SSEIR. The proponent should ensure that DEP and the Town Boards and Commissions have the most up-to-date Zone II maps, which should also be included in future MEPA filings. Comments from the Town of Hopkinton Planning Board indicate that the boundaries of the Town's Water Resources Protection Overlay District (WRPOD) may be modified at a future Town Meeting. The next MEPA filing for the project should provide an update on any changes in WRPOD and Zone II boundaries.

### Transportation

Traffic issues associated with the proposed project, and the lack of public transportation to serve residents of the affordable and senior housing, have been raised in several comment letters. The proponent has committed to evaluating opportunities to link with transportation networks in the area, including the possibility of a bus stop on the project site with connections to the MBTA station and retail plazas in Ashland. I expect

future filings to provide additional information on specific measures proposed to enhance access to public transportation from the project site.

### Mitigation and Section 61 Findings

The second SSEIR includes a summary of proposed mitigation measures and information on estimated mitigation costs and responsible parties. Mitigation measures that the proponent has committed to include: a Conservation Restriction on 145 acres of the project site; turtle crossings and additional measures to protect rare species during construction; use of LID techniques; and restoration of approximately 12 acres of previously disturbed areas. Future NPCs should include Draft Section 61 findings as appropriate for specific project elements.

### MEPA Special Review Procedure

The SRP stated that, following a certification of adequacy of the Master Plan Single EIR, the proponent will prepare information on specific project element(s) in the form of a series of Notices of Project Change (NPC). A public comment period, which may include a site visit and public consultation session, will follow publication of NPC notices in the *Environmental Monitor*. I expect further detailed information on projects components in future MEPA filings. I will review the NPCs and determine whether further MEPA review is required.

In addition to the requirements of this Certificate, I refer the proponent to the Certificate on the SSEIR (November 14, 2005), which requires that NPCs provide additional information on specific project components and environmental impacts including but not limited to: water quality and stormwater management; WWTF and DPW design, sewer infrastructure and related water resource protection issues; cumulative impacts of water withdrawal and wastewater discharge; wetlands impacts; landscape and turfgrass management plans; and public transportation.

### Circulation

Future NPCs should be circulated to all those who submitted comments on the second SSEIR (as listed below) and on the ENF, SEIR and SSEIR, and to others as required by Section 11.10 and 11.16 of the MEPA regulations. Future NPCs should include a circulation list, and a copy of the NPCs should be made available for public review at Hopkinton Public Library.

March 3, 2006

DATE

  
Stephen R. Pritchard, Secretary

SRP/AE/ae

## Comments Received:

2/03/06 Town of Hopkinton Board of Selectmen  
2/08/06 Town of Hopkinton School Committee  
2/21/06 Town of Hopkinton Parks and Recreation  
2/21/06 Division of Fisheries and Wildlife, NHESP Program  
2/22/06 Karen Webb (letter signed by 171 individuals)  
2/22/06 Mary C. Pratt  
2/23/06 Cedar Swamp Conservation Trust  
2/24/06 Conservation Law Foundation  
2/24/06 Clean Water Action  
2/24/06 Riverways Program  
2/24/06 Muriel Kramer  
2/24/06 Water Supply Citizen's Advisory Committee  
2/24/06 Brian Morrison  
2/24/06 Kevin Kohrt  
2/24/06 Town of Hopkinton Board of Health  
2/24/06 Town of Hopkinton Conservation Commission  
2/27/06 Department of Environmental Protection, Central Regional Office  
2/27/06 Sudbury River Watershed Organization  
2/28/06 Town of Hopkinton Planning Board  
3/2/06 Vanasse Hangen Brustlin, Inc. (on behalf of the proponent)