



# *The Commonwealth of Massachusetts*

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March 3, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
ON THE  
FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Cranberry Village Condominiums  
PROJECT MUNICIPALITY : Middleborough  
PROJECT WATERSHED : Taunton  
EOEA NUMBER : 13425  
PROJECT PROPONENT : J.M. Barges Corporation  
DATE NOTICED IN MONITOR : January 25, 2006

As Secretary of Environmental Affairs, I hereby determine that the Final Environmental Impact Report (FEIR) submitted for this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (MEPA) (G. L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00).

Project Description and MEPA History

As described in the FEIR, the proposed project entails the construction of a 216-unit residential development (consisting of 120 townhouse condominiums and 96 apartment-style condominiums) and associated internal roadways, utilities, amenities and stormwater management facilities on a 34.39-acre site located on the south side of West Grove Street, abutting I-495. The project will be developed pursuant to M.G.L. c.40 B s. 22 and, as proposed, will contain 66 affordable housing units. The project site is undeveloped and wooded. The eastern portion of the site contains wetland areas that are not proposed to be altered as part of the project.

The project was the subject of an Environmental Notification Form (ENF). The Certificate on the ENF issued on February 7, 2005, required the preparation and submission of an EIR. The Draft EIR was found to be adequate in A Certificate issued on August 29, 2005.

### MEPA Jurisdiction and Permitting Requirements

The project was subject to the preparation of an Environmental Impact Report pursuant to Section 11.03 (1)(a)(2) of the MEPA regulations because it will create ten or more acres of impervious area. The project also underwent review pursuant to Section 11.03(5)(b)(3)(c) of the MEPA regulations because it involves the construction of a new sewer main more than one-half mile in length not in the right-of-way of existing roadways. The project is seeking a 40B permit through the state Housing Appeals Committee (HAC), a Sewer Connection/Extension Permit from the Department of Environmental Protection (DEP), and a State Highway Access Permit from the Massachusetts Highway Department (MHD). In its comments, DEP indicates that the project will also require a Permit for Distribution Modifications for Systems that serve more than 3,300 people (BRP WS 32) in order to connect to the Town of Middleborough's water supply system. The project will also require a National Pollutant Discharge Elimination System (NPDES) Storm Water Permit for Construction Activities from the U.S. Environmental Protection Agency (EPA). The Middleborough Conservation Commission issued an Order of Conditions for the project on March 25, 2005, which has not been appealed. Because the project is undergoing review by the HAC, MEPA jurisdiction was broad and extended to all significant environmental impacts potentially resulting from the project.

### Mitigation and Permitting Issues

#### *Water Supply and Wastewater Generation*

The FEIR indicates that the project will generate approximately 55,420 gallons per day (gpd) of wastewater and that the Town of Middleborough has ample excess capacity in the wastewater collection and treatment system to accommodate flows from the project. The FEIR indicates that the Comprehensive Permit issued by the Middleborough Zoning Board of Appeals (ZBA) allowed the proposed project to be connected to the Town's sewer system, it did not overrule a previous denial from the Middleborough Board of Selectmen. Hence, the proponent has appealed the ZBA's Comprehensive Permit to the HAC. According to the FEIR, the HAC has issued a Decision on Stipulation that grants the proposed project access to the municipal sewer and water systems. Technical issues related to the Sewer Connection/Extension and Distribution Modifications permits will be addressed by DEP in its review of the permit applications.

#### *Transportation*

The proponent has committed to providing a by-pass lane on Route 28 at its intersection

with the project site drive in order to accommodate westbound through traffic. In response to comments on the DEIR submitted by the Executive Office of Transportation (EOT), the proponent has redesigned the proposed by-pass lane based on Massachusetts Highway Department (MHD) standards and the FEIR included a conceptual design for these improvements. The proponent should continue to coordinate with the Town of Middleborough and MHD regarding planned improvements to the intersection of Routes 28 and 105, to be constructed by MHD. The proponent has also committed to construct a sidewalk along the Route 28 frontage of the project site in order to encourage residents to walk to and from the Middleborough/ Lakeville commuter rail station, which is located approximately 1.84 miles away.

Prior to issuing its Section 61 Finding for the project, MHD will require a letter from the proponent clearly committing to the proposed mitigation measures described during the MEPA process, including the provision of bicycle facilities within the project site.

### Conclusion

I find the FEIR to be adequate and am allowing the project to proceed to the state permitting agencies. The DEIR and FEIR contained adequate information on the proposed project's impacts and mitigation, and provided the state permitting agencies with sufficient information to understand the environmental consequences of their permit decisions. The state permitting agencies should forward a copy of their Section 61 Findings to the MEPA Office for completion of the project file.

March 3, 2006

Date

  
Stephen R. Pritchard

### Comments received:

02/22/06 Department of Environmental Protection Southeast Regional Office  
02/24/06 Executive Office of Transportation/Office of Transportation Planning

SRP/RAB/rab