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March 17, 2006

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

PROJECT NAME : The Village of Hanover
PROJECT MUNICIPALITY : Hanover
PROJECT WATERSHED : South Coastal
EOEA NUMBER : 13479
PROJECT PROPONENT : Hanover Country Club, LLC
DATE NOTICED IN MONITOR : February 8, 2006

As Secretary of Environmental Affairs, I hereby determine that the Draft Environmental Impact Report (DEIR) submitted on this project **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 DEIR is generally responsive to the requirements of 301 CMR 11.07 and the Scope. Certain aspects of the Project require additional description and analysis in the Final Environmental Impact Report (FEIR) as outlined below in this Certificate.

As described in the DEIR, the proposed project is a mixed-use commercial and residential development on a 116-acre site. The proposed project will be implemented in three phases and involves construction of 100 housing units and approximately 150,000 square feet (sf) of commercial space. The project also includes roadway and stormwater infrastructure, irrigation wells, and construction of a wastewater treatment facility, 1.5 miles of sewer mains and 1.9 miles of water mains. The development as proposed will involve alteration of approximately 40 acres of land (including creation of 19 acres of impervious area). Traffic impacts are estimated at 5,540 vehicle trips per day at full build-out and the project includes construction of 750 parking spaces. Wastewater generation is estimated at 43,450 gallons per day (gpd). Water use is estimated at 46,750 gpd for potable water supply and 3,000 gpd for irrigation purposes.

The project is undergoing environmental review and requires the preparation of a mandatory EIR pursuant to Sections 11.03(1)(a)(2) of the MEPA regulations because it involves creation of 10 acres of more of impervious area, and Section 11.03(6)(6) because it involves

generation of 3,000 or more new vehicle trips per day. The project is also undergoing review pursuant to Section 11.03(5)(b)(3)(c) because it involves construction of a sewer main of ½ or more miles in length, and pursuant to Section 11.03(2)(b)(2) because it involves a taking of a species of special concern.

The project will require a Groundwater Discharge Permit and a 401 Water Quality Certification from the Department of Environmental Protection (DEP). The project requires an Order of Conditions from the Hanover Conservation Commission (and, on appeal only, a Superseding Order from DEP). The project also requires an Access Permit from MassHighway Department (MHD), a Conservation and Management Permit from the Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP), and a permit from the Massachusetts Historical Commission (MHC) for an intensive (locational) archaeological survey. The project will also require a National Pollutant Discharge Elimination System (NPDES) Construction Activities Permit from the US Environmental Protection Agency (EPA).

The proponent is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction applies to those aspects of the project within the subject matter of required state permits with the potential to cause damage to the environment. In this case, MEPA jurisdiction extends to transportation, rare species, wetlands, water quality, wastewater, land, and stormwater.

SCOPE

General

The proponent should prepare a Final EIR (FEIR) 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 FEIR should include a copy of this Certificate and a copy of each comment letter received on the DEIR. A Project Summary in clear non-technical language should be included in the FEIR. This section of the document should summarize all phases of the project, alternatives analyzed, the type and extent of potential impacts, and mitigation measures that the proponent is committed to.

The FEIR should also include maps and plans at a reasonable scale that clearly locate and delineate project elements in relation to surface water and wetlands resource areas, adjacent land uses, and Zone IIs and other water protection districts on or adjacent to the project site. The FEIR should provide an update on state and local permits for the project. Any changes to the proposed project since the DEIR filing should be summarized in the FEIR.

Alternatives

The DEIR included an analysis of two alternatives, a 220-unit Planned Unit Residential Development for Seniors and a mixed use commercial/industrial and residential subdivision. The DEIR highlighted the increased impacts associated with both alternatives but did not present a reduced-scale master plan that minimizes impacts as required by the Scope. The FEIR should evaluate alternative site layouts and present a reduced scale master plan alternative for

consideration. The alternatives analysis should identify opportunities to minimize impervious area from roadways, parking and other structures, maximize undisturbed habitat areas, and avoid and minimize impacts to vernal pools and other wetland resources.

Rare Species

A state-listed species of "Special Concern", the Spotted Turtle (*Clemmys guttata*) has been documented to occur on the project site. The NHESP has determined that the proposed project will result in a "take" as defined in the Massachusetts Endangered Species Act (MESA) regulations (321 CMR 10.02) and that in order for the project to be permitted, it will need to meet the permitting standards for a Conservation and Management Permit (321 CMR 10.04(3)(b)). As further detailed by NHESP in its comment letter, the proponent has conducted a detailed radiotelemetry study of Spotted Turtle habitat use and has been in consultation with NHESP. The proponent has agreed to project design changes, including the elimination of a loop road around the wetlands "P" series, to minimize rare species impacts. The proponent should continue to work with NHESP to address outstanding issues as further detailed in its comment letter.

NHESP is concerned about the siting of the proposed road west of the G-series wetland. The proponent should thoroughly explore alternatives that would enable the elimination of this connector road. I will expect the FEIR to address this issue in the alternatives analysis. The FEIR should include an update on consultations with NHESP and rare species mitigation plans. The FEIR should include information and analysis to address the outstanding issues identified by NHESP, and demonstrate how the project will meet Conservation and Management permitting standards. One of the outstanding issues identified by NHESP relates to the potential impacts of the project, and associated stormwater management system, on rare species wetlands habitat. The FEIR should include a detailed analysis of potential impacts on the hydrology and water quality of wetlands that support Spotted Turtles, and address stormwater issues as further detailed below.

Wetlands

The proposed project will impact approximately 1,377 sf of bordering vegetated wetlands (BVW), 3,467 of isolated vegetated wetlands (IVW) and 123 linear feet of inland wetlands bank. The Environmental Notification Form (ENF) indicated that 9,215 sf of bordering land subject to flooding (BLSF) would be impacted by the proposed project. According to the DEIR, the amount of BLSF that will be impacted is 480 sf due to changes in the BLSF delineation approved by Federal Emergency Management Agency (FEMA) in a Letter of Map Revision (LOMR) dated September 7, 2005.

The project site includes approximately 43 acres of wetlands including ten certified vernal pools. The proposed project includes a roadway and other development activities located in the vicinity of Vernal Pools M and G. The proponent should work with the NHESP and the Hanover Conservation Commission regarding measures to protect these and other resource areas. The FEIR should include an update on consultations and demonstrate in the alternatives analysis

how the proponent has incorporated measures to avoid and minimize impacts to vernal pools and other wetlands resources to the maximum extent feasible.

Open Space and Habitat Conservation

The DEIR indicates that approximately 80 acres of the project site, including approximately 43 acres of wetlands, will remain as undisturbed open space. The FEIR should discuss mechanisms such as Conservation Restrictions (CR) to protect open space in perpetuity. The FEIR should provide information on any deed restrictions proposed and include draft language for any CRs being proposed. The FEIR should discuss landscaping and lawn maintenance plans and describe measures the proponent will implement to avoid adverse environmental impacts from the use of pesticides, herbicides, fertilizers or other chemical controls. The FEIR should consider ecological landscape design approaches that will avoid and minimize the need for tree clearing, habitat loss, irrigation and chemical controls.

Transportation

The DEIR included a traffic study that generally conforms with the EOEA/EOT Guidelines for EIR/EIS Traffic Impact Assessments. The FEIR should include additional information and analysis, including commitments to additional mitigation, as further detailed in the EOT comment letter. The DEIR concludes that mitigation measures will not provide significant improvements to intersections in the study area. The proponent has proposed instead to work with MHD and Central Planning Transportation Staff (CTPS) to develop design plans for the Route 53 Corridor and construct a portion of the improvements as part of the project's North Access Drive construction. However, as noted in the EOT comment letter, the project will have more significant impacts on the southern section of Route 53, which is not included in the MHD project. Therefore, the proponent should commit to design and construction of a longer section of Route 53. The proponent should meet with MHD District 5 Office and the EOT Public/Private Development unit prior to filing the FEIR, in order to develop mitigation measures and coordinate with the MHD project. The FEIR should provide an update on consultations with MHD and EOT, and discuss how the different phases of the proposed project will be coordinated with construction and completion of the MHD project.

The FEIR should address the recommendations of the Metropolitan Area Planning Council (MAPC) regarding the inclusion of the Route 139 intersection as part of the Route 53 redesign and traffic mitigation plan. The FEIR should include conceptual plans for the proposed roadway improvements as further detailed in the EOT comment letter. The FEIR should demonstrate how proposed mitigation will conform to MHD standards. The FEIR should provide an update on the local permitting process with respect to any highway issues. I encourage the proponent to consult with MHD before any state highway issues are discussed in local meetings or hearings. The FEIR should include a letter of commitment that outlines mitigation measures proposed, which will serve as the basis for the Office of Transportation Planning Section 61 Finding.

Transportation Demand Management (TDM) measures proposed in the DEIR include a network of on-site sidewalks and bike paths to reduce vehicle trip generation, and provisions for

bicycle racks. The DEIR also commits to designation of a Transportation Coordinator for the project. The proponent should expand upon the TDM program in the FEIR to accommodate pedestrian and bicycle connections to the surrounding community as recommended by MAPC in its comment letter. The FEIR should also consider sidewalks and pedestrian crossings along Route 53 as part of the redesign. The proponent is requesting a Waiver from the Town of Hanover to reduce the number of parking spaces by 205 and I commend the proponent for its efforts in this regard, which can serve to reduce vehicle trips as well as impervious area. I note the comment from MAPC that the amount of parking, even with this reduction of 205 spaces, appears to be well in excess of the typical needs of a mixed-use pedestrian-oriented development. I encourage the proponent to continue to work with the Town of Hanover to reduce parking requirements further.

Stormwater and Drainage

The DEIR (as did the ENF) indicates that a stormwater management system has been designed to comply with DEP's stormwater management policy and standards. However, it does not provide the information and analysis required by the Scope. The FEIR should provide a detailed drainage analysis and a stormwater management plan. The FEIR should describe the proposed stormwater system, including sizing and location of its components. The FEIR should describe existing and proposed conditions and describe how changes in topography and drainage systems may affect site hydrology, water quality and habitat areas (including vernal pools and other wetland areas) on and adjacent to the project site. The FEIR should also include commitments to mitigation measures to avoid and minimize adverse impacts due to drainage alteration. The FEIR should include an operations and maintenance plan, and clarify arrangements for ownership and maintenance to ensure long-term effectiveness of the stormwater management system.

The DEIR indicates that the proponent will apply Low Impact Development (LID) techniques where allowable by local regulations. I encourage the proponent to consider LID techniques in site design and storm water management plans. The FEIR should describe specific LID techniques evaluated by the proponent and those that are proposed for implementation. LID techniques incorporate stormwater best management practices (BMPs) and can reduce impacts to land and water resources by conserving natural systems and hydrologic functions. The primary tools of LID are landscaping features and naturally vegetated areas, which encourage detention, infiltration and filtration of stormwater on-site. Other tools include water conservation and use of pervious surfaces. Clustering of buildings is an example of how LID can preserve open space and minimize land disturbance. LID can also protect natural resources by incorporating wetlands, stream buffers, and mature forests as project design features. For more information on LID, visit <http://www.mass.gov/envir/lid/>. Other LID resources include the national LID manual (Low Impact Development Design Strategies: An Integrated Design Approach), which can be found on the EPA website at: <http://www.epa.gov/owow/nps/lid/>.

Wastewater

The DEIR provided limited information on the proposed wastewater treatment facility and disposal area (WWTF). The FEIR should include a detailed description of the proposed

systems and include site plans that clearly locate and delineate the WWTF. As further detailed by DEP in its comment letter, the entire development will need to be serviced by the proposed WWTF. The FEIR should discuss alternative locations for the proposed WWTF and provide a rationale for the selection of the proposed location. The FEIR should include a break-down of the sewage flows and clarify discrepancies in water consumption and wastewater flows as requested by DEP. The FEIR should include an update on the permitting process related to the proposed wastewater treatment and disposal system and discuss how the project will meet DEP permitting requirements. The FEIR should demonstrate how the wastewater systems are being designed and located to avoid and minimize adverse environmental impacts, including but not limited to, impacts to wetlands, and to rare species and their habitats.

Water Supply

The FEIR indicates that approximately 3,000 gpd will be withdrawn from groundwater wells for irrigation purposes. The FEIR should identify the total number and proposed locations of irrigation wells.

Sustainable Design

The proponent has committed in the DEIR to water conservation measures, use of passive solar techniques to reduce energy consumption, and to encourage recycling and use non-toxic and/or recycled material where feasible. I commend the proponent for its efforts in this regard and encourage the proponent to consider additional sustainable design measures and opportunities to create a development consisting of high-performance/green buildings. I encourage the proponent to contact the EOEPA Policy Office for assistance in identifying resources and models to support sustainable project design, and to consider Leadership in Environmental Design (LEED) Certification for new construction (commercial development), as well as EnergyStar and LEED Certification for Homes for the residential component. The FEIR should include an update on consultations and any additional measures proposed to increase sustainability and minimize environmental impacts associated with energy consumption, materials use and other aspects of building construction and operations.

Mitigation

The FEIR should describe all measures to avoid, minimize and mitigate adverse effects on the environment, and include a summary of mitigation measures to which the proponent is committed and a schedule for implementation of all mitigation measures. The FEIR should include proposed Section 61 Findings for all state permits. The proposed Section 61 Findings should describe mitigation measures to be implemented, contain a clear commitment to mitigation and a schedule for implementation, and identify parties responsible for funding and implementing the mitigation measures.

Comments

The FEIR should respond to the comments received to the extent that they are within MEPA jurisdiction. The proponent should use either an indexed response to comment format, or

direct narrative response. The FEIR should present any additional narrative or quantitative analysis necessary to respond to the comments received.

Circulation

The FEIR should be circulated to all who submitted commented on the DEIR as listed below, to the Town of Hanover, to any agency from which the proponent may require a permit or approval, and to others as required by Section 11.16 of the MEPA regulations. A copy of the FEIR should also be made available for public review at the Hanover Public Library.

March 17, 2006

DATE



Stephen R. Pritchard, Secretary

Comments Received

2/10/06	Town of Hanover, Board of Health
2/10/06	Town of Hanover, Planning Board
3/09/06	Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program
3/10/06	Department of Environmental Protection, Southeast Regional Office
3/15/06	Executive Office of Transportation, Office of Transportation Planning
3/13/06	Metropolitan Area Planning Council

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