



The Commonwealth of Massachusetts

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April 6, 2007

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CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE NOTICE OF PROJECT CHANGE

PROJECT NAME : Meadowbrook Estates Ventures
PROJECT MUNICIPALITY : Kimball Road – Amesbury
PROJECT WATERSHED : Merrimack River
EOEA NUMBER : 12869
PROJECT PROPONENT : Meadowbrook Estates Ventures, LLC
DATE NOTICED IN MONITOR : March 7, 2007

Pursuant to the Massachusetts Environmental Policy Act (G. L., c. 30, ss. 61-62H) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) submitted on this project and determine that it continues to **require** the preparation of a Draft Environmental Impact Report (DEIR). This Certificate supersedes the prior Certificate dated October 10, 2002.

The project originally consisted of the construction of a 268-unit (462,000 square foot (sf)) residential condominium subdivision, which was proposed pursuant to M.G.L. Chapter 40B. The project included the construction of a subdivision roadway, 804 parking spaces, and a wastewater treatment facility with a groundwater discharge and a town water connection. The 155-acre site is adjacent to Lake Attitash, an Outstanding Water Resource. This project was subject to a mandatory EIR pursuant to Sections 11.03(1)(a)(1) and (2) because it involves the direct alteration of 50 or more acres and it creates ten or more acres of impervious area. On October 10, 2002, the MEPA Office issued a Certificate requiring an Environmental Impact Report (EIR). The Housing Appeals Committee (HAC) issued a decision on this project on December 12, 2006.

An NPC was submitted on February 28, 2007 due to the lapse of time between the issuance of the Certificate on the ENF and the publication of the availability of the DEIR. The project consists of the construction of 268 residential units with 804 parking spaces. The proponent has reduced the project from 462,000 to 451,800 sf, the amount of land altered from

55 to 32.3 acres, and the amount of impervious area from 26.4 to 21 acres.

The project requires a mandatory EIR pursuant to Section 11.03(1)(a)(2) of the MEPA regulations because the project creates more than 10 acres of new impervious area. It will require a Groundwater Discharge Permit from MassDEP. The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. On December 12, 2006, the proponent received a Comprehensive Permit under Chapter 40B from the HAC subject to a MEPA decision. The project will require an Order of Conditions from the Amesbury Conservation Commission for impacts to wetland resource area buffer zones. MEPA jurisdiction extends to all aspects of the project that may have significant environmental impacts.

Access to the site will be from Kimball Road with a gated emergency entrance leading to the Birches off the south end of the site. Using the Institute of Traffic Engineers (ITE) Handbook's land-use code 230, the proponent estimates that the project will generate approximately 1,506 new average daily vehicle trips on weekdays. The project includes 804 surface parking spaces.

The proposed project will be connected to existing municipal water service. It will increase the consumption of water by about 72,000 gallons per day (gpd) (110 % of wastewater). The project will generate approximately 60,000 gpd of wastewater, which will flow to an onsite wastewater disposal system.

The stormwater management system will be designed in compliance with the Department of Environmental Protection's (MassDEP) Stormwater Guidelines. Because the site is located within the watershed of an Outstanding Resource Water (ORW), the proponent will treat the first one-inch of runoff from the site.

SCOPE

As modified by this scope, the DEIR should conform to Section 11.07 of the MEPA regulations for outline and content. The DEIR should resolve the remaining issues outlined below. It should address the comments listed at the end of this Certificate to the extent that they are within this scope, and it should include a copy of this Certificate and all comment letters.

Project Description and Regulatory Environment:

The DEIR should include a detailed description of the project with a summary/history of the project. It should briefly describe each state agency action required for the project. The DEIR should demonstrate how the project is consistent with the applicable performance standards. It should contain sufficient information to allow the permitting agencies to understand the environmental consequences related to the project.

The DEIR should identify and explain any project phasing. It should explain the time frame for each phase of the project. The DEIR should discuss how this project is compatible with Executive Order 385 – Planning for Growth, by discussing its consistency with local zoning, Amesbury’s Master Plan, Open Space Plan, and the Merrimack Valley Planning Commission’s Long Range Plan.

Alternatives Analysis:

In addition to the Preferred Alternative and the No-Build Alternative, the DEIR should discuss alternative building configurations that might result in fewer impacts, such as a cluster site plan that maximizes the permanent protection of open space. The DEIR should summarize the alternatives already developed for the project site. The analysis should clearly present the alternative driveway configurations at the site and identify the advantages and disadvantages of the preferred alternative. Based on local zoning, the DEIR should identify the full-build out of the parcel. The DEIR should present the maximum commercial/retail and residential full-build-out plan to be allowed under current zoning. It should provide a comparative analysis that clearly shows the differences between the environmental impacts associated with each of the alternatives.

For each alternative, the DEIR should quantify the amount and describe the type of land altered, the amount of existing forest and other vegetation to be altered, and the amount of earthwork involved to achieve final grades. The DEIR should investigate all feasible methods of avoiding or minimizing adverse land impacts, such as erosion, sedimentation, and fragmentation of wildlife habitat.

According to the ENF Certificate, more than 80 percent of the site (approximately 128 acres) will remain undeveloped open space. The DEIR should depict all protected open space areas on a reasonably scaled site plan. The proponent must demonstrate the project’s consistency with any local or regional open space plan, and discuss the legal mechanism by which open space will be protected in perpetuity.

Pedestrian and Bicycle Facilities:

The DEIR should show where sidewalks are proposed by the proponent. It should identify how these sidewalks would connect to other sidewalks, and it should show any proposed crosswalks. The DEIR should identify the proposed bicycle facility improvements included with this project.

Wetlands:

The DEIR should identify and quantify each wetland resource area (protected under local, state, and federal law, including bordering and isolated vegetated wetlands, perennial streams, and vernal pools) and buffer zones present on the site on a reasonably scaled plan. The DEIR

should address the significance of the wetland resources on site, including public and private water supply; riverfront areas; flood control; storm damage prevention; fisheries; shellfish; and wildlife habitat. It should analyze both direct and indirect impacts on wetlands resulting from the project. The DEIR should demonstrate that the proponent has minimized impacts to on-site and off-site wetlands to the maximum feasible extent, and has sufficiently mitigated any unavoidable impacts. The text should explain whether the local conservation commission has accepted the resource area boundaries and any disputed boundary should be identified.

For any amount of required wetlands replication, a detailed wetlands replication plan should be provided in the DEIR which, at a minimum, includes: replication location(s) delineated on plans, elevations, typical cross sections, test pits or soil boring logs, groundwater elevations, the hydrology of areas to be altered and replicated, list of wetlands plant species of areas to be altered and the proposed wetland replication species, planned construction sequence, and a discussion of the required performance standards and monitoring.

Potable Water:

The EIR should identify any impacts from the project on the local drinking water supply. It should propose mitigation as appropriate. The EIR should identify any exterior irrigation for the project and the source for this water.

Drainage:

The site is located within the watershed of the Outstanding Resource Waters (ORWs) of Lake Attitash and Meadow Brook. The DEIR should show how the proponent will minimize the drainage impacts to these resources to the maximum extent feasible. It should provide drainage calculations for the different storm events for pre- and post-construction. The DEIR should identify the quality of proposed stormwater flows. It should discuss the consistency of the drainage plan with the MassDEP Stormwater Management Policy. The DEIR should describe any drainage impacts associated with any required offsite roadway improvements. It should investigate feasible methods of reducing impervious surfaces, including reduced parking areas and/or more compact layouts. Due to the extensive wetland network within the site and the proximity to ORWs, it is imperative that the stormwater management system achieves the required pollutant removal rates to protect water quality.

The EIR should include a copy of the draft Pollution Prevention Plan for the project site. It should identify the maintenance and inspection program for the stormwater system and the sweeping program. This maintenance program should outline the actual maintenance operations, responsible parties, and back-up systems.

Proposed construction activities, including mitigation, erosion and sedimentation control, phased construction, and drainage discharges or overland flow into wetland areas, should be evaluated. The locations of detention basins and their distances from wetland resource areas, and

the expected water quality of the effluent from said basins should be identified. This analysis should address current and expected post-construction water quality (including winter deicing and sanding analyses) of the predicted final receiving water bodies. Sufficient mitigation measures should be incorporated to ensure that no downstream impacts would occur. The drainage analysis should ensure that on- and off-site wetlands are not impacted by changes in stormwater runoff patterns. The DEIR should respond to MassDEP's recommendation that the proponent investigate Low Impact Development (LID) stormwater techniques.

Wastewater:

According to the NPC, the project will generate approximately 60,000 gpd, which will be managed by a proposed onsite wastewater treatment facility (WWTF) with a groundwater discharge. The DEIR should describe the WWTF and its design capacity. It should demonstrate that the WWTF's groundwater discharge area does not impact the ORWs.

Historical/Archaeological Resources:

The DEIR should summarize the results of an intensive (locational) archaeological survey that was requested by the Massachusetts Historical Commission (MHC). It should propose appropriate mitigation. The proponent should develop an archaeological site avoidance and preservation plan for the project as requested by MHC. I recommend that the proponent consult with MHC regarding its proposed mitigation package.

Construction/Community Disruption:

The DEIR should present a discussion on potential construction period impacts (including but not limited to noise, vibration, dust, and traffic maintenance) and analyze feasible measures, which can avoid or eliminate these impacts. It should estimate the amount of fill to be removed or transported to the site. The DEIR should identify the number of truck trips required to complete this component, the truck routes to be used by the proponent, and the trucking schedule.

Mitigation:

The DEIR should include a separate chapter on mitigation measures. The EIR should include plans showing the configuration of any roadway intersection proposed for modification. This chapter on mitigation should include a Proposed Section 61 Finding for all state permits. The Proposed Section 61 Finding should contain a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation and the identification of the parties responsible for implementing the mitigation. A schedule for the implementation of mitigation should also be included.

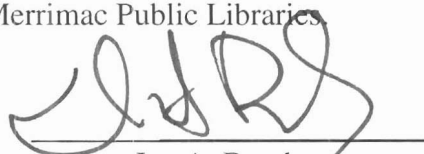
Response to Comments:

The DEIR should respond to the comments received to the extent that the comments are within the subject matter of this scope. Each comment letter should be reprinted in the DEIR. I defer to the proponent as it develops the format for this section, but the Response to Comments section should provide clear answers to the questions raised.

Circulation:

The DEIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should also be sent to the list of "comments received" below and to Amesbury and Merrimac officials. A copy of the DEIR should be made available for public review at both the Amesbury and Merrimac Public Libraries.

April 6, 2007
DATE



Ian A. Bowles

Comments received:

MHC, 3/13/07
MassDEP/NERO, 3/27/07

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IAB/WTG/wtg