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June 16, 2006

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

PROJECT NAME : Brookmeadow Village
PROJECT MUNICIPALITY : Grafton
PROJECT WATERSHED : Blackstone
EOEA NUMBER : 13608
PROJECT PROPONENT : Brookmeadow Village, LLC
DATE NOTICED IN MONITOR : May 10, 2006

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.08 of the MEPA regulations (301 CMR 11.00), I hereby determine that the Draft Environmental Impact Report (DEIR) is inadequate and requires the preparation of a Supplemental DEIR. While I am requiring a Supplemental DEIR, I acknowledge that the DEIR provided valuable information for the MEPA review process and adequately addressed many of the issues specified in the Scope. However, additional information and analysis is required to complete the DEIR review and I am requiring a Supplemental DEIR (SDEIR) to address the alternatives analysis, wetlands and wildlife habitat impacts, water supply protection, and cumulative impacts associated with proposed development on an adjacent parcel.

The proposed project involves development of 91 single-family residential units and associated infrastructure on an approximately 130-acre site. The site is mostly wooded and includes approximately 23 acres of wetlands. According to the DEIR, the project will result in approximately 47 acres of land alteration including approximately 10 acres of new impervious area. Wetlands impacts associated with the proposed project include alteration of 368 linear feet of Bank and 7,295 square feet (sf) of bordering vegetated wetlands (BVW). Traffic impacts are estimated at an average of 953 vehicle trips per day. Water use is estimated at 22,500 gallons per day and the project will be served by municipal water and sewer services. The proposed development includes construction of approximately 1.6 miles of water mains, 1.4 miles of sewer mains, and 1.5 miles of roadway.

The project is undergoing MEPA review and is subject to a mandatory EIR pursuant to Section 11.03 (1)(a)(1) of the MEPA regulations because it involves alteration of 50 or more acres of land, and pursuant to Section 11.03(1)(a)(2) because it will result in creation of 10 acres or more of impervious area (based on information provided in the Environmental Notification Form (ENF)). The project is also undergoing MEPA review pursuant to: Section 11.03(3)(b)(1)(d) because it involves alteration of 5,000 or more square feet (sf) of bordering vegetated wetland (BVW); Section 11.03(5)(b)(3)(c) because it involves construction of ½ mile or more of sewer mains; Section 11.03(6)(b)(1)(a) because it involves construction of a new roadway one-quarter or more miles in length; and Section 11.03(10)(b)(2) because it may involve destruction of an archaeological site listed in the Inventory of Historic and Archaeological Assets of the Commonwealth.

The project requires a 401 Water Quality Certification, a Distribution System Modification Permit, and a Sewer Extension Permit from the Department of Environmental Protection (DEP). The project also requires an Order of Conditions from the Grafton Conservation Commission (and on appeal only, a Superseding Order from DEP), and a Massachusetts Highway Department (MHD) Access Permit for access to Route 122. The project requires a permit from the State Archaeologist for an intensive (locational) 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 as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to land, stormwater and drainage, traffic, historic and archaeological resources, wastewater, water supply, water quality, wetlands and wildlife habitat.

SCOPE

General

The proponent should prepare a Supplemental Draft EIR (SDEIR) in accordance with this Scope. The SDEIR should include a copy of this Certificate and the Certificate on the ENF, a copy of all comment letters received on the DEIR and a response to comments. A Project Summary in clear non-technical language should be included in the SDEIR. This section of the document should summarize the project, alternatives analyzed, the type and extent of potential impacts, and mitigation commitments. It should also include a list of permits required and a timetable and cost estimate for the project. The SDEIR should provide an update on any project changes since the filing of the DEIR.

The DEIR indicates that project impacts have been reduced from 80 acres of land alteration and 12 acres of impervious area (as proposed in the ENF) to 47.6 acres of land alteration and 9.66 acres of impervious area (according to the DEIR). However, the DEIR does not demonstrate how this impact reduction was achieved and site plans in the DEIR appear to be

the same as those in the ENF. The SDEIR should clarify and quantify project impacts and explain how any reductions have been achieved.

The SDEIR should include a description of all aspects of the project and include maps and plans at a reasonable scale that clearly locate and delineate all project elements, adjacent land uses, wetlands and water supply resources, wetlands replication areas, open space and sensitive resource areas. Site plans and maps should include legends.

Project Change and Cumulative Impacts

The DEIR indicates that the proponent has purchased adjacent property for construction of recreational fields and future development of a bank and convenience store. The SDEIR should include a Notice of Project Change (NPC) describing this component of the project including potential impacts, proposed mitigation, and existing conditions. Site plans should clearly identify the project areas proposed for recreational fields and commercial development. The SDEIR should quantify impacts associated with this component of the development (including but not limited to traffic, land alteration, impervious area and wetlands impacts), and include this portion of the project in the assessment of cumulative impacts. The SDEIR should clarify total site acreage, including the adjacent parcel proposed for development.

Alternatives

The DEIR briefly discussed two alternatives, which consist of one single-family home (Alternative A) and a 7-lot office/light industry development (Alternative B). The DEIR did not include an evaluation of alternatives, including a more clustered type of housing development and alternative site layouts, as required by the Certificate on the ENF. The proposed development appears to represent the maximum-build allowed in accordance with local zoning and special permit conditions. The SDEIR should include an analysis of other alternatives as outlined below.

The alternatives analysis should include:

- The development alternative as proposed in the DEIR;
- a reduced-build development alternative that will reduce land alteration, impervious area, and wetlands and wildlife habitat impacts;
- alternative site layouts that avoid impacts to wetlands resource areas;
- alternative site layouts that minimize habitat segmentation and impacts to vernal pools and other wetland resources.

As further detailed in its comment letter, DEP has expressed concern regarding the density of development proposed, the number of housing lots, roadway design and associated impacts to wetlands resources. I remind the proponent that a detailed analysis of alternatives that first avoid, and then minimize, impacts to wetlands resource areas will be required by DEP for the 401 Water Quality Certification application. The SDEIR should demonstrate how the project will meet the requirements for a 401 Water Quality Certification (WQC). If the proponent's preferred alternative involved wetlands impacts, the SDEIR should clearly demonstrate that no other practicable alternative is available. I refer the proponent to the 401 WQC regulations at 310

CMR 9.00 (including Section 9.06) and the MEPA regulations at 301 CMR 11.00 (including Section 11.07(f)) for further information on alternatives analysis.

The alternatives analysis in the SDEIR should include a clear comparison of the impacts of alternative development plans (including but not limited to acres of land alteration and impervious area, wetlands impacts, habitat segmentation, water quality and zone I/II impacts, volume of earthwork, water use and wastewater generation, traffic and parking).

Wetlands and Wildlife Habitat

Due to the amount of proposed fill in BVW and proposed bank impacts, a wildlife habitat evaluation is required in accordance with the Wetlands Protection Act regulations. This evaluation was not included in the DEIR as required by the Scope. The SDEIR should include the results of a detailed wildlife habitat evaluation, which should be conducted in accordance with the procedures in DEP's Wildlife Habitat Protection Guidance for Inland Wetlands, March 2006 (see Appendix B-Detailed Wildlife Habitat Evaluation), which can be found on-line at <http://www.mass.gov/dep/water/laws/wldhab.pdf>

I encourage the proponent to retain an Erosion Control monitor for the project and to work with the Division of Fisheries and Wildlife (DFW), as recommended by DEP, to ensure protection of vernal pool habitat. The SDEIR should provide an update on consultations with DFW and any changes in project design to provide further protection to wetlands and wildlife habitat.

Water Supply and Water Quality

Water supply for the proposed project will be obtained from the South Grafton Water District (District). As further detailed in the DEP comment letter, the proposed project water flow should not place the District out of compliance with its Water Management Act (WMA) registration. The DEP recommends that the District begin the WMA permit application process and an aggressive program to reduce Unaccounted for Water (UAW).

A portion of the project site is located within the Zone II of the South Grafton Water District public water supply well. The SDEIR should include an evaluation of impacts of the proposed project on the Zone II of the public water supply, and mitigation measures to minimize impacts. The evaluation should include (but not be limited to): impacts associated with earthwork and blasting; use of pesticides, herbicides and other chemical controls; creation of impervious area; storage and use of road salt and de-icing chemicals.

The DEIR indicates that a groundwater monitoring plan has been developed to document pre-development groundwater and surface water quality and to monitor for potential impacts associated with the project. The plan is intended to address concerns regarding potential mobilization of contaminants from an adjacent former landfill and impacts associated with blasting and use of perchlorate. The DEIR indicates that the project will not use blasting materials that contain perchlorate. The DEIR also indicates that bedrock monitoring wells have been installed and will be included in monitoring program as recommended by Coler and

Colantino in its letter to the Board of Water Commissioners of August 9, 2005. The SDEIR should clarify if the proponent intends to implement a long-term monitoring plan as recommended in the Coler and Colantino letter, and describe any long-term monitoring proposed.

Stormwater Management and Construction Activities

The DEIR included a revised stormwater drainage summary as well as volume and recharge calculations, which use the 1-inch run-off standard for critical areas. The SDEIR should discuss changes in site drainage as a result of the proposed project, including potential impacts to public water supplies and the hydrology and water quality of wetland resource areas. The SDEIR should describe how the project is being designed to avoid and minimize adverse impacts due to changes in drainage patterns, and describe specific Low Impact Development (LID) techniques that will be used. According to the DEIR, the proponent will be responsible for the proposed stormwater management system during construction, and the Town of Grafton will be responsible for long-term operation and maintenance.

Sustainable Design

I encourage the proponent to evaluate additional opportunities for sustainable design. This residential project presents a great opportunity to incorporate high-performance buildings and other sustainable design elements that can provide environmental and economic benefits for the proponent and future residents. I encourage the proponent to consider Leadership in Energy and Environmental Design (LEED) certification for homes; ecological landscaping approaches; use of Low Impact Development (LID) techniques, and other sustainable design measures.

Mitigation and Section 61 Findings

The SDEIR should describe all measures proposed to avoid, minimize and mitigate adverse effects on the environment. The SDEIR should include proposed Section 61 Findings for all state permits, which should contain clear commitments to mitigation and a schedule for implementation, and identify parties responsible for funding and implementing the mitigation measures.

Comments

The SDEIR should respond to the comments received on the DEIR 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 DEIR should present any additional narrative or quantitative analysis necessary to respond to the comments received.

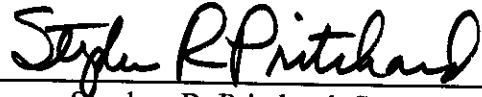
Circulation

The SDEIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should be sent the list of "comments received" below and to others who

commented on the ENF. A copy of the SDEIR should be made available for public review at the Grafton Public Library.

June 16, 2006

DATE



Stephen R. Pritchard, Secretary

- Comments Received:

6/02/06 Department of Environmental Protection, Central Regional Office
6/14/06 Massachusetts Historical Commission

SRP/AE/ae