



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

IAN A. BOWLES
SECRETARY

July 11, 2007

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/envir>

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

PROJECT NAME : The Reserve at Spring Hill
PROJECT MUNICIPALITY : Spring Street – Rehoboth
PROJECT WATERSHED : Ten Mile River
EOEA NUMBER : 12918R
PROJECT PROPONENT : Eugene Dumontier
DATE NOTICED IN MONITOR : June 11, 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 **requires** the preparation of an Environmental Impact Report (EIR).

The project originally consisted of the construction of 200 units of 55(+) age-restricted apartments on about 170 acres. The proposed project would be built in three phases. The proponent is seeking a Chapter 40B Comprehensive Permit. The project included the construction of a 2,700 linear foot subdivision roadway, a public supply water well, a wastewater treatment facility with a groundwater recharge. On February 21, 2003, the Secretary determined that the project did not require an EIR.

An NPC was submitted on May 30, 2007, the proposed project consists of the construction of a 200-unit condominium development with associated access roadways on an approximately 80-acre site. The remaining 90 acres will not be developed at this time. The project will be constructed in four phases of about 50 units each. The proponent has significantly increased the impervious area from 8.1 to 23 acres. The roadway has increased to approximately 6,200 linear feet. Approximately 90 acres of the site will remain undisturbed. Vehicle trips are estimated at 1,156 weekday trips and the number of parking spaces remains at 400 spaces. Water consumption has increased to 40,700 gallons per day (gpd). The proponent is proposing a new public supply water well on the project site. Wastewater generation is estimated at 37,000 gpd, which will flow to a wastewater treatment facility with a groundwater discharge.



The project requires a mandatory EIR pursuant to Sections 11.03(1)(a)(1) and 11.03(1)(a)(2) of the MEPA regulations because the project alters 50 or more acres of land (about 60 acres) and creates ten or more acres of impervious area (about 23 acres). The Town of Rehoboth has approved this Chapter 40B project. The project will need to obtain a Groundwater Withdrawal Permit and a Groundwater Discharge Permit from the Department of Environmental Protection (MassDEP). It must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. The project will need to obtain an Order of Conditions from the Rehoboth Conservation Commission for impacting wetland buffer zones. MEPA jurisdiction extends to wetlands, stormwater, water, and wastewater issues that may have significant environmental impacts.

SCOPE

As modified by this scope, the EIR should conform to Section 11.07 of the MEPA regulations for outline and content. The EIR 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 & Regulatory Environment:

The EIR should provide a detailed project description with a summary/history of the project. It should include existing and proposed site plans. The EIR should identify and describe any proposed project phasing. It should describe the proponent's Preferred Alternative. The EIR should briefly describe each state agency action required for the project. It should demonstrate how the project is consistent with the applicable performance standards. The EIR should contain sufficient information to allow the permitting agencies to understand the environmental consequences related to the project. It should discuss how this project is compatible with Executive Orders 385 and 418, the Southeastern Regional Planning and Economic Development Commission (SERPEDC) Long Range Plan, and Rehoboth's Master Plan, Open Space Plan, and Zoning. The EIR should discuss whether the proponent is proposing a Conservation Restriction over the remaining 90 acres of undisturbed land. It must explain what legal mechanisms will be used to keep these 90 acres undisturbed.

Alternatives Analysis:

The EIR should summarize and compare the Preferred Alternative - the 200-unit condominium, a Cluster Alternative that significantly reduces impervious areas and includes Low Impact Development (LID) techniques, and the No-Build Alternative. It should identify the impacts of each of the alternatives on each of the scoped areas in this Certificate. The EIR should incorporate site design that maximizes site layout and sustainable design/LID opportunities to minimize water, wastewater, stormwater and wetlands impacts. The EIR should summarize the

alternatives already developed for the project site. It should identify emergency access alternatives at the site and discuss the advantages and disadvantages of the Preferred Alternative.

Pedestrian and Bicycle Facilities:

The EIR should show where sidewalks currently exist in a map of the area and where the proponent proposes sidewalks. It should identify how these sidewalks would connect to other sidewalks and proposed crosswalks. If the proponent does not provide sidewalks along its frontage with Spring Street, the EIR should provide a justification for not providing a sidewalk with supporting letters from the Town of Rehoboth.

The EIR should identify the proposed bicycle facility improvements included with this project. The EIR should state the number of bicycle parking spaces and show their locations.

Public Transportation:

The EIR should include a map displaying public transportation bus routes in the project area.

Wetlands:

The Wetland Section of the EIR should contain an alternatives analysis to ensure that impacts to buffer zones are avoided, and where unavoidable impacts occur, impacts are minimized and mitigated. It should quantify the amount of temporary and permanent impacts to buffer zones, and there should be a plan to go along with the discussion. The EIR should illustrate that the impacts have been minimized and that the project will be accomplished in a manner that is consistent with the Performance Standards of the Wetlands Regulations (310 CMR 10.00).

The EIR should address the significance of the wetland resources and buffer zones on site, including public and private water supply; riverfront areas; flood control; storm damage prevention; fisheries; shellfish; and wildlife habitat. It should identify the location of nearby public water supplies and wells.

All resource area boundaries, riverfront areas, applicable buffer zones, and 100-year flood elevations should be clearly delineated on a plan. Bordering vegetated wetlands that have been delineated in the field should be surveyed, mapped, and located on the plans. Each wetland resource area and riverfront area should be characterized according to 310 CMR 10.00. The text should explain whether the local conservation commission has accepted the resource area boundaries, and any disputed boundary should be identified. The EIR should provide an accurate measurement of the wetland resource areas and buffer zones that will be affected by the project.

The EIR should identify the proponent's efforts to obtain an Order of Conditions from the Rehoboth Conservation Commission (RCC). It should specify whether any additional Orders of Conditions would be required for any proposed roadway improvements. The Wetland Section of the EIR should contain an alternatives analysis to ensure that all wetland impacts are avoided, and where unavoidable impacts occur, impacts are minimized and mitigated. The EIR should illustrate that the impacts have been minimized and that the project will be accomplished in a manner that is consistent with the Performance Standards of the Wetlands Regulations (310 CMR 10.00).

Drainage:

The quality of stormwater runoff generated by the project should be improved by the implementation of Best Management Practices. Existing site runoff is sheet flow. The project will create approximately 23 acres of new impervious area. The EIR should include a detailed description of the proposed drainage system design, including a discussion of the alternatives considered along with their impacts. It should provide pre- and post-drainage calculations. The proponent should recharge roof runoff and other treated stormwater runoff from parking areas and driveways in order to retain as much as possible of the existing groundwater flows and drainage patterns.

Proposed activities, including construction mitigation, erosion and sedimentation control, phased construction, and drainage discharges or overland flow into wetland areas, should be evaluated. The location of detention/infiltration 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 EIR should address the performance standards of MassDEP's Stormwater Management Policy. It should address the groundwater recharge issues and demonstrate that the project will meet the Stormwater Management Policy. The EIR should demonstrate that the design of the drainage system is consistent with this policy, or in the alternative, why the proponent is proposing a drainage system design not recommended by MassDEP. The proponent should use the MassDEP Stormwater Management Handbook when addressing this issue.

The EIR should discuss the consistency of the project with the provisions of the National Pollutant Discharge Elimination System (NPDES) General Permit from the U.S. Environmental Protection Agency for stormwater discharges from construction sites. It should include a

discussion of best management practices employed to meet the NPDES requirements, and should include a draft Pollution Prevention Plan. The EIR should identify how this project will comply with the NPDES Phase II Stormwater General Permit, which Rehoboth is required to implement.

The EIR should describe the maintenance program for the drainage system, which will be needed to ensure its effectiveness. This maintenance program should outline the actual maintenance operations, responsible parties, and back-up systems.

In the EIR, the proponent should consider committing to using a non-sodium based deicer on the project's paved surfaces and limiting the use of chemical fertilizers and pesticides on grass areas maintained by the condominium association. The proponent should develop a low impact turf management program in the EIR with an integrated pest management plan for the turf.

The EIR should address reducing the amount of impervious area proposed on the project site by alternative layout and reduced pavement areas.

Drinking Water:

The EIR should identify the location for its proposed public water supply well field on a site plan along with its Zone I and II. It should summarize the hydrological study that has been completed for the proposed well. The EIR should identify any potential drawdown impacts from the proposed well on water bodies and/or wetland resource areas. It should propose mitigation as appropriate. According to MassDEP, the maximum withdrawal from the proposed well is 37,800 gpd. Since the actual demand may be approximately 40,700 gpd, the EIR should address this discrepancy between permitted supply and demand.

The EIR should also identify the location of any groundwater wells proposed for irrigation purposes and the amount of gallons per day that the well would use.

Wastewater:

The EIR should outline the proponent's efforts to reduce water consumption and thereby reduce wastewater generation. It should describe the design of the wastewater package treatment plant, leaching area, and groundwater discharge issues. A site plan should identify the location of the wastewater treatment plant and leaching areas. The EIR should identify the number of proposed bedrooms at the site, and how it determined the 37,000 gpd of wastewater generation.

Agricultural Impact:

The EIR should discuss the proponent's receipt of a Chapter 61A farmland tax abatement

for a portion of the project site. It should provide information on the extent and the location of the existing 3-acre cranberry bog and any proposed agricultural mitigation proposed on the 80-acre project site. The proponent should consult with the Department of Agricultural Resources (DAR).

Hazardous Waste:

The EIR should present a summary of the results of hazardous waste studies and remediation efforts undertaken at the site by the proponent to comply with the Massachusetts Contingency Plan, 310 CMR 40.0000.

Visual/Aesthetics:

The EIR should discuss the aesthetics of the project, and should include a conceptual-level landscaping plan and building elevations from all sides.

Construction/Community Disruption:

The EIR should present a discussion on potential construction period impacts (including but not limited to noise, dust, wetlands, and traffic maintenance) and analyze feasible measures that can avoid or eliminate these impacts. It should identify the amount of blasting required to develop the site. The EIR should estimate the amount of fill to be removed or brought to the site. It should identify the number of truck trips required to handle the filling operation and the truck routes proposed to allow for this filling operation. The EIR should show where filling will be required on the site.

Sustainable Design:

This project presents a good opportunity to successfully incorporate cost-effective sustainable design elements and construction practices into the project. These elements can minimize environmental impacts and reduce operating costs. The EIR should summarize the proponents' efforts to ensure that this project includes Leadership in Energy and Environmental Design (LEED) Certified buildings or the equivalent. I strongly encourage the proponent to consider incorporating elements, such as those noted below, into its project design, construction and management:

- water conservation and reuse of wastewater and stormwater;
- renewable energy technologies to meet energy needs;
- optimization of natural day lighting, passive solar gain, and natural cooling;
- energy efficient HVAC and lighting systems, appliances and other equipment, and solar preheating of air;

- building supplies and materials that are non-toxic, made from recycled materials, and made with low embodied energy ;
- easily accessible and user-friendly recycling system infrastructure incorporated into the building design;
- development of a solid waste reduction plan;
- development of an annual audit program for energy consumption, waste streams, and use of renewable resources;
- LID principles that reduce stormwater, potable water, wastewater, and wetland impacts and that provide water conservation and the reuse of wastewater and stormwater; and
- LEED certification.

Mitigation:

The EIR should include a separate chapter on mitigation measures. It should include plans showing the configuration of project roadway with Spring Street. This chapter on mitigation should include a Proposed Section 61 Findings for MassDEP. 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.

I urge the proponent to participate in any discussions and studies that evaluate the feasibility of traffic, pedestrian and bicycle improvements within this area.

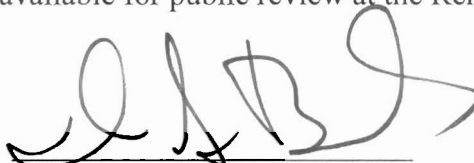
Response to Comments:

The EIR 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 EIR. 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 EIR 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 Rehoboth officials. A copy of the EIR should be made available for public review at the Rehoboth Public Library.

July 11, 2007
Date



Ian A. Bowles

EOEEA #12918R

NPC Certificate

July 11, 2007

Comments received:

MassDEP/SERO, 6/29/07

12918Rnpc
IAB/WG/wg