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July 14, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
FINAL 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	: June 7, 2006

As Secretary of Environmental Affairs, I hereby determine that the Final Environmental Impact Report (FEIR) 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).

As described in the FEIR, the proposed project is a mixed-use commercial and residential development on a 118-acre site. The proposed project will be implemented in three phases and involves construction of 124 residential units, two restaurants, a function hall, and approximately 117,000 square feet (sf) of retail and 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 up to 995 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, Section 11.03(6)(b)(15) because it involves construction of 300 or more new parking spaces, and Section 11.03(2)(b)(2) because (at the time of Environmental Notification Form (ENF) filing) it may involve 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) and a National Pollutant Discharge Elimination System (NPDES) Construction Activities Permit from the US Environmental Protection Agency (EPA). At the time of Environmental Notification Form (ENF) and Draft EIR review, the project required a Conservation and Management Permit from the Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP). However, this permit is no longer required since the Spotted Turtle has been removed from the Massachusetts Endangered Species Act (MESA) list of Endangered, Threatened and Special Concern species.

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, wetlands, water quality, wastewater, land, and stormwater.

Alternatives

The FEIR included revisions to alternatives presented in the Draft EIR (DEIR). The revisions resulted in a small reduction in impervious area due to removal of roadway connections between project phases and reduced wetlands impacts due to elimination of crossings. One of the alternatives (#3) was rejected as it was inconsistent the proponent's plan for a mixed use development that would encourage interconnection among project elements and reduce off-site vehicle trips. I acknowledge the value of the internal connections as part of the project design. However, I encourage the proponent to continue to explore other opportunities to reduce impervious area as the project design proceeds.

Rare Species

At the time of ENF and DEIR filing, the project was subject to MESA review and required a Conservation and Management permit from NHESP because it would result in a "take" of the Spotted Turtle (*Clemmys guttata*). As further detailed in the comment letter from NHESP, the Spotted Turtle has since been de-listed and a Conservation and Management Permit will no longer be required for the project. Despite the de-listing, the proponent has agreed to voluntarily implement the Spotted Turtle protection measures previously agreed to during MESA permitting consultations. The NHESP has indicated it will continue to play an advisory role in helping to assure successful design and implementation of turtle protection measures including turtle barriers and road crossing structures. As noted in the NHESP comment letter, the Spotted Turtle is still vulnerable to the effects of road mortality and habitat loss. I commend the proponent for the significant efforts it has made to work closely with NHESP, and to design the project in a way that will minimize impacts on the Spotted Turtle and its habitat.

The proponent has committed to mitigation measures including:

- Careful design of roadways to avoid the most sensitive habitat;
- Use of curbing and retaining walls to prevent migration across roadways, parking lots and into developed areas;
- Wildlife tunnels to encourage migration between wetlands systems; and
- A Conservation Restriction on wetlands, buffer areas and nesting habitat to provide permanent protection in these areas.

Wetlands

The project site includes approximately 43 acres of wetlands including ten certified vernal pools. The proposed project will impact approximately 1,602 sf of bordering vegetated wetlands (BVW), 3,244 of isolated vegetated wetlands (IVW), 600 sf of floodplain, and 123 linear feet of inland wetlands bank. The proponent has designed roadways to cross at the narrowest location, reduced roadway width to 26 feet, and will use retaining walls and bridges to minimize wetlands impacts associated with roadway construction. Wetlands will be replicated at a ratio of 2:1. Floodplain impacts will be fully compensates in accordance with regulatory requirements so that there is no net loss of flood storage capacity on site. The FEIR indicates that construction will be phased to minimize areas being cleared at any one time, and that exposed soils will be stabilized rapidly until final loaming and seeding is complete. The proponent has committed to implement an Erosion and Sedimentation Control Plan and Stormwater Pollution Prevention Plan to avoid and minimize wetlands impacts.

Open Space and Habitat Conservation

The FEIR indicates that approximately 97 acres of the project site, including approximately 43 acres of wetlands, will remain undeveloped. Since the filing of the DEIR, the proponent has committed to placing a Conservation Restriction (CR) on approximately 50 acres of the project site, which will be protected as permanent open space and wildlife habitat. The proponent has also indicated a willingness to work with the Town of Hanover to develop a trail system to access adjacent Town-owned conservation land, as well as adjacent residential and commercial areas. I encourage the proponent to continue these efforts to reduce traffic impacts and promote public access to open space. The project includes approximately 4,000 feet of unpaved pedestrian and bicycle trails to encourage non-motorized access within the mixed use development and to open space and conservation areas.

I strongly encourage the proponent to develop ecological landscaping plans, and to ensure that such plans are incorporated in homeowner's association documents, in order to provide continued protection to wetlands resources, vernal pools and other wildlife habitat. I encourage the proponent to implement 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. Sine the filing of the DEIR, the proponent met with the MassHighway District 5 Office and the Public/Private Development unit at the Executive Office of Transportation (EOT) to discuss the details of proposed mitigation measures and to coordinate the different phases of the proposed project with the construction and completion of the Route 53 MassHighway project. EOT is satisfied that the FEIR has adequately addressed its comments on the DEIR.

The FEIR included a draft Letter of Commitment, which outlines the proponent's commitment to transportation mitigation measures. This letter will form the basis of EOT's Section 61 Findings for the project. The proponent has committed to donate $180,000 to the Town of Hanover towards the design of an additional section of the Route 53 corridor, from its intersection with Route 139 to East Street, or the Village Square entrance if the entire corridor cannot be designed within the budgeted amount. I will expect the proponent to address the issue of phasing and coordination with MassHighway during the permitting process, by which time plans for site access and layout of subsequent sections of Route 53 should be finalized.

Transportation Demand Management (TDM) measures proposed in the FEIR include a network of on-site sidewalks, bike paths and bicycle racks, as well as pedestrian and bicycle connections to the surrounding community. The FEIR also commits to designation of a Transportation Coordinator for the project. The proponent has committed to partner with MassRides to encourage alternative transportation options, and will consider becoming a member of the local Transportation Management Association (TMA) and providing transit services to the project site. The proposed project includes a mix of businesses that will reduce the need for residents and employees to make off-site vehicle trips.

The proponent is requesting a Waiver from the Town of Hanover to reduce the number of parking spaces by 219 and I commend the proponent for its efforts in this regard, which can serve to reduce vehicle trips and impervious area. I encourage the proponent to continue to work with the Town of Hanover to reduce parking requirements further.

Stormwater and Drainage

The FEIR provided a detailed drainage analysis and a stormwater management plan, which includes construction best management practices (BMPs), an Operations Maintenance Plan, and a Spill Containment Plan. As further detailed in the FEIR, stormwater impacts were evaluated and designed taking into account the cumulative impacts of all three phases of the development. The stormwater run-off generated will be managed within the limits of each parcel such that construction of one phase of development will not rely on drainage features to be implemented for other phases.

The proposed stormwater management system includes catch basins with 4-foot sumps, particle separators and sediment forebays for pre-treatment, stormwater infiltration/detention basins, and rip-rap outlets. The project will incorporate retention features into each basin to more

efficiently treat run-off during construction prior to discharge to waterways and wetlands. As described in the FEIR, all wetlands resource areas have been modeled in pre and post development conditions to ensure that there will be no changes to the existing drainage patterns or peak rates of run-off and volume entering wetlands. Construction BMPs include hay bales and sedimentation fencing, stabilized construction entrances, temporary sediment basins, and dust control measures, revegetation of disturbed areas and use of stone on construction roads. The O&M plan includes BMPs for monitoring and maintaining the performance of the drainage facilities. According to the FEIR, structural BMPS will be owned and maintained by the proponent until completion of construction after which time responsibility will be transferred to property owners (Village Park and Village Square), and the Homeowner's Association (in the case of Village Commons) through a covenant that will run with the title(s) to the property.

Wastewater

The FEIR provided sewage calculations and additional detail on proposed wastewater treatment facility and disposal area (WWTF) and its ownership. According to the FEIR, The Village of Hanover Community Sewage Facility, LLC will be the owner of the WWTF. The WWTF will be developed in a phased approach. Village Square (Phase I) will initially be developed using a Title V system and will be tied into the WWTF at a later phase of development.

According to the FEIR, the WWTF and its discharge areas will be located outside of any Zone II area and the facility has been sited to conform with DEP and Town of Hanover requirements. The wastewater system will require tertiary treatment to meet requirements for nutrient discharge concentrations.

Water Supply

Water supply for the proposed project will be supplied from the municipal system. According to the FEIR, irrigation supplies will be obtained from deep rock wells and will not adversely impact the water table, aquifer, rare species, or wetlands resource areas. Proposed wells are located outside of the 100-foot wetland buffer zone. The proponent has committed to water conservation measures that meet the state plumbing code and use of shut-off valves and mulch beds to reduce landscaping irrigation. I encourage the proponent to consider additional measures that may further conserve water resources, including ecological landscaping approaches that minimize water needs.

Sustainable Design

The proponent has committed in the FEIR to water conservation measures, use of passive solar techniques to reduce energy consumption, and use non-toxic and/or recycled material where feasible. The proponent has also committed to encourage recycling at the project site. 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 EOEA 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.

Mitigation

The FEIR included a separate chapter on mitigation and committed to a range of mitigation measures including:

- *Rare species*: wildlife tunnels and other roadway design measures, as well as a Conservation Restriction for permanent habitat protection;
- *Wetlands*: Replication at a 2:10 ratio and floodplain compensatory storage;
- *Open Space and Conservation*: a Conservation Restriction on approximately 50 acres and a network of pedestrian and bicycle trails for on-site circulation and access to and from adjacent commercial, residential and conservation areas;
- *Traffic*: a TDM program and contribution of $180,000 towards the design of an additional section of the Route 53 corridor;
- *Stormwater*: Best Management Practices during construction and an Operations and Maintenance Plan that will avoid and minimize adverse impacts to wetland resources;
- *Sustainable Design*: water and energy conservation measures, recycling, and use of non-toxic and recycled material where feasible.

Based on a review of the Final EIR, consultation with public agencies, and a review of the comment letters receieved on the project, I hereby find that the Final EIR adequately and properly complies with MEPA and its implementing regulations. I am satisfied that any outstanding issues can be addressed through the state and local permit and review process. The proposed project requires no further review under MEPA and may proceed to state permitting. I remind state agencies to forward copies of their final Section 61 Findings to the MEPA Office for the project file.

July 14, 2006
DATE

Stephen R. Pritchard, Secretary

Comments Received

6/30/06	Department of Environmental Protection, Southeast Regional Office
7/07/06	Executive Office of Transportation, Office of Transportation Planning
7/10/06	Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program

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