

# The Commonwealth of Massachusetts

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June 2, 2006

## CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Cedar Ridge Active Adult Community  
(formerly Mile Oak Residential Condominiums)

PROJECT MUNICIPALITY : Wilbraham

PROJECT WATERSHED : Chicopee/Connecticut Rivers

EOEA NUMBER : 13462

PROJECT PROPONENT : Mile Oak Associates

DATE NOTICED IN MONITOR : April 26, 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 218-unit age-restricted residential development on a 76-acre site. The project consists of a cluster of condominiums of three to six units each and three additional mid-rise buildings with thirty units in each. The project site is located within, and adjacent to, Priority and Estimated Habitat of rare species. The development as proposed will involve alteration of approximately 42 acres of land (including creation of 17.6 acres of impervious area). Wetlands impacts are estimated at 3,700 square feet of bordering vegetated wetlands alteration. The project includes construction of 1.35 miles of water mains and 1.35 miles of sewer mains. Traffic impacts are estimated at 1,277 vehicle trips per day and the project includes construction of 456 parking spaces. Water use and wastewater generation are estimated at 48,000 gallons per day (gpd).

The project is undergoing environmental review and requires the preparation of a mandatory EIR pursuant to Section 11.03(1)(a)(2) of the MEPA regulations because it will create 10 acres of more of impervious area, and Section 11.03(1)(a)(1) because it involved alteration of 50 acres or more of land (as proposed in the Expanded Environmental Notification Form (ENF)). 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 Section 11.03(6)(b)(14) because it will result in generation of 1,000 or more new vehicle trips per day on roadways providing access to a single location and 150 or more new parking spaces at a single location. The project is also undergoing MEPA review pursuant to Section 11.03(2)(b)(2) because it may involve a taking of a state-listed rare species.

The project will require a Sewer Connection/Extension Permit and may require a 401 Water Quality Certification from the Department of Environmental Protection (DEP). The project also requires a Superseding Order from DEP (since the filing of the DEIR, the project obtained an Order of Conditions from the Wilbraham Conservation Commission, which has been appealed). The project requires a permit from the Massachusetts Historical Commission (MHC) State Archaeologist for an intensive (locational) archaeological survey, and a National Pollutant Discharge Elimination System (NPDES) Construction Activities Permit from the US Environmental Protection Agency (EPA). The project will not require a Conservation and Management Permit from the Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP) provided that the proponent adheres to conditions specified by NHESP to avoid a “take” of state-listed rare species and adverse effect on state-listed wildlife habitat.

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 rare species, wetlands, water quality, wastewater, historical and archaeological resources, and land--including related stormwater issues.

### Rare Species

The project site is located in, and immediately adjacent to, Priority and Estimated Habitat of rare species. Three state-listed rare species of “Special Concern” have been documented on and/or near the project site. These include the Blue-spotted Salamander (*Ambystoma laterale*), Four-toed Salamander (*Hemidactylium scutatum*), and Spotted Turtle (*Clemmys guttata*). Three other state-listed species were previously documented in the project area but not found on-site during rare species surveys. These include the Climbing Fern (*Lygodium palmatum*), Jefferson Salamander (*Ambystoma jeffersonianum*), and Intricate Fairy Shrimp (*Eubbranchipus intricatus*).

The NHESP determined that the proposed project will not result in a “take” of state-listed rare species and will not adversely affect the actual resource area habitat of state-listed wildlife species, provided that the project adheres to certain conditions as further detailed in the NHESP comment letter on the DEIR (12/3/05). The NHESP comment letter on the FEIR indicates that the proponent has addressed NHESP concerns in the FEIR and through consultations with NHESP. The proponent has revised site plans to relocate the habitat barrier as recommended by NHESP and has committed to mitigation measures as outlined below and in the FEIR.

The proponent has committed to:

- place 24.3 acres of the site under a Conservation Restriction (CR). This includes 6.9 acres of wet meadow and 17.4 acres of forested area;

- retain a qualified wildlife biologist, pre-approved by NHESP for field inspections and to ensure compliance with conditions, including those related to erosion controls, wildlife barriers, boardwalk and wetland crossing construction;
- seek participation in the MassWildlife Landowner Incentive Program (LIP);
- reduce site grading within the 100 foot Buffer Zone around the wet meadow;
- install wildlife barriers and erosion control fencing prior to site alteration and install permanent barriers immediately following removal of temporary fencing;
- Schedule boardwalk construction from November 15-April 1 when rare species are less active and design a boardwalk without viewing areas;
- Schedule work on the proposed culvert crossing, located at wetland #C115 at low flow conditions (typically July 15-September 15) when turtles are less active.

As further detailed in the NHESP comment letter, the Spotted Turtle delisting proposal was approved by the Fisheries and Wildlife Board as part of several additional MESA list amendments, which will become official once the Secretary of State's office publishes the amendments in the coming month(s) in the Massachusetts Register. The proponent will become absolved from project conditions and mitigation specific to the Spotted Turtle in the vicinity of the "wet meadow" (located within the proposed 6.9 acre Conservation Restriction) once the MESA List amendments are published if the proposed project has not initiated actual construction.

The proponent should continue consultations with the NHESP and the Wilbraham Conservation Commission to finalize the CR language. The final CR boundaries should be submitted to the MEPA Office for the project files. The proponent should consult with NHESP regarding any changes in the project that may affect rare species and their habitats as it relates to the appeal of the Order of Conditions discussed below.

### Wetlands

The FEIR included a copy of the Order of Conditions issued by the Wilbraham Conservation Commission. The project will require a Superseding Order from DEP as the Order of Conditions has been appealed. As noted in the FEIR, part of the appeal disputes the wetland impact amount. The appeal was also made because of potential conflicts between the project roadway alignment and utility access. I remind the proponent that a Notice of Project change pursuant to 301 CMR 11.10 may be required if changes to the proposed roadway result in additional wetlands or other impacts. The FEIR indicates that NHESP conditions are incorporated in the existing Order of Conditions issued by the Conservation Commission. The NHESP conditions should be incorporated in the Superseding Order of Conditions.

The proponent has committed to use of Integrated Pest Management (IPM) and other measures, including de-icing and snow storage plans, to protect wetlands resources and rare species habitat. The proponent has agreed that no fertilizers, pesticides or other hazardous materials will be used for lawn maintenance within the buffer zone. As described in the FEIR, the proponent will use alternatives to standard sand and salt applications to meet the requirements of the Wilbraham Conservation Commission and minimize impacts to resource areas.

### Open Space and Habitat Conservation

As noted above, the proponent has committed to a Conservation Restriction on 23.4 acres of the project site. In addition, the FEIR proposes a public access easement to the Town to allow continued use of the project site and provide access to adjacent town-owned open space and trail systems.

### Historical and Archaeological Resources

Archaeological investigations in the project area resulted in the identification of three ancient Native American and two historic period archaeological sites. One of these sites, the Cedar Swamp site, is considered potentially significant and may be eligible for listing in the National and State Registers of Historic Places. The proponent has committed to the following mitigation measures to protect the Cedar Swamp site:

- a Conservation Restriction (CR) that will extend 600 feet from the Cedar Swamp to avoid impacts to archaeological sites.
- Signing and construction fencing as recommended by Massachusetts Historical Commission (MHC).

Although no additional archaeological work is recommended at this time by the MHC, the proponent has acknowledged in the FEIR that an archaeological site examination will be required by MHC in the event that the Cedar Swamp site location is proposed for development or subject to development-related impacts. The proponent has also agreed to provide additional information to MHC in the event that project plans change so that MHC can determine if any additional investigations are necessary for other archaeological sites in the project area.

The proponent should revise the draft CR language to include stipulations that would conserve the property's historic and archaeological resources as recommended by the MHC in its comment letter. The revised CR language should be submitted to MHC for review and comment.

### Transportation

The proponent has consulted with the Pioneer Valley Transit Authority (PVTA) regarding a Route #27 bus stop at the project site. According to the FEIR, the PVTA has agreed to add service for the proposed development through the existing "on request" system and provisions have been made for a bus stop on site. The proponent will ensure that residents are aware of the PVTA service.

### Wastewater

According to the FEIR, the proposed sewer system will be privately owned and will be the responsibility of the Homeowner's Association upon transfer of property ownership. The proponent has submitted design plans to DEP for their review along with information on system capacity and response times. As further detailed in the Draft Section 61 findings in the FEIR, the proponent shall provide daily inspection of the pump stations, an alarm system whereby alarms are received at a 24 hour/day manned facility, and maintenance of the pump station and sewer to

ensure proper operation. The proponent has also committed to an escrow account to ensure continued maintenance of the pump stations. The proponent should continue consultations with DEP regarding permit requirements and issues relating to long-term ownership and management of the proposed wastewater system.

### Water Supply

Domestic water for the proposed development will be obtained through a connection with the municipal system and on-site wells are proposed to meet irrigation demand. According to the FEIR, the proposed irrigation wells, which will be drilled to approximately 300-400 feet below the surface, will not impact adjacent wetlands resource areas. The proposed irrigation system will consist of two to four wells to provide peak irrigation flow of 60 gallons per minute. Wells will be located at least 200 feet from the central wet meadow and 600 feet from the Atlantic White Cedar Swamp resource areas. The proposed project incorporates drought-resistant vegetation and other measures to reduce irrigation water demand.

### Construction

The proponent has committed to measures to minimize construction impacts including: reuse and recycling of construction materials; dust and noise control measures; and use of low sulfur diesel fuel on construction vehicles. The proponent will also consider the contractor's ability to participate in the Massachusetts Diesel Retrofit Program as a condition of award.

### Sustainable Design

The proponent has committed to a range of sustainable design measures as an integral part of the proposed development. These include: natural day-lighting; energy efficient windows, lighting and mechanical systems; use of water-saving plumbing fixtures and efficient irrigation systems; use of drought-tolerant plants; and Integrated Pest Management (IPM) to minimize chemical controls. The proponent's building specifications encourage the use of materials that are non-toxic, recycled and made with low-embodied energy.

### Mitigation Summary

As further detailed above and in the FEIR, the proponent has committed to a range of mitigation measures including:

- A Conservation Restriction (CR) on 23.4 acres of the 76-acre project site to protect rare species and wildlife habitat, wetlands, archaeological resources, and landscape character;
- a public easement for access to adjacent conservation lands;
- Other measures to protect rare species including time restrictions on construction, wildlife barriers and erosion controls, and retention of a wildlife biologist;
- A 7,800 square-foot wetlands replication area;
- An Integrated Pest Management (IPM) program to restrict the use of pesticides, fertilizers, herbicides and other chemical controls;

- Signage and fencing to protect the Cedar Swamp archaeological site;
- Operation and Maintenance plans and emergency response measures for proposed sewer system;
- Coordination with future residents regarding on-site bus stop and PVTA service;
- Measures to minimize dust, noise, vehicle emissions and solid waste and other construction-related impacts;
- Sustainable design measures to promote energy efficiency, water efficiency and use of non-toxic, recycled materials.


### Section 61 Findings

The FEIR included draft Section 61 findings for the DEP Sewer Connection Permit. DEP should submit the final Section 61 findings for the sewer connection permit and the 401 Water Quality Certificate (if required) to the MEPA Office for the project record.

Based on review of the FEIR, comments received and consultation with public agencies, I am satisfied that the FEIR 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.

June 2, 2006

DATE

  
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 Stephen R. Pritchard, Secretary

### Comments Received

5/26/06      Division of Fisheries and Wildlife, Natural Heritage and Endangered  
 Species Program  
 5/26/06      Massachusetts Historical Commission

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