



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street, Suite 900

Boston, MA 02114-2524

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

STEPHEN R. PRITCHARD
SECRETARY

June 30, 2006

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

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

PROJECT NAME	: Old English Square
PROJECT MUNICIPALITY	: Holbrook
PROJECT WATERSHED	: Weymouth and Weir Rivers
EOEA NUMBER	: 13587
PROJECT PROPONENT	: Old English Square LLC; c/o Mullins Company
DATE NOTICED IN MONITOR	: May 24, 2006

As the Secretary of Environmental Affairs, I hereby determine that the Final Environmental Impact Report (Final EIR) submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00).

MEPA review is a non-adjudicatory information gathering process, which does not itself result in any formal decision approving or disapproving a project. Section 11.08(8) of the MEPA Regulations requires me to find a Final EIR adequate even if certain aspects of the project or issues require additional analysis of technical issues, so long as I find that “the aspects and issues have been clearly described and their nature and general elements analyzed in the EIR or during MEPA review, that the aspects and issues can be fully analyzed prior to any Agency issuing its Section 61 Findings, and that there will be meaningful opportunities for public review of the additional analysis prior to any Agency taking Agency Action on the Project.” As described in more detail in this Certificate, after examining the record before me, I find that there is enough information on alternatives, impacts, and mitigation to meet that standard. The proponent can resolve the remaining issues with the submission of additional technical information during the state permitting process.

The project originally underwent MEPA review in September 2005. As described in the EIR the proposed project consists of the two distinct phases. Phase One (Phase I) is the redevelopment and building of a retail-commercial component and Phase Two has three separate phases of residential housing. Phase I will consist of the construction of a “Retail Village” in the upland northern portion of the project site adjacent to Union Street (Route 139), previously

developed as a bowling alley and golf driving range. Approximately 50,3000 square feet of new retail/commercial space in a one-story building and four two-story buildings will be constructed with associated bituminous access driveways, utilities and landscaping. The 12,060 square foot one story building currently housing a bowling alley will be renovated and 280 surface parking spaces will be provided. Phase Two of the project was originally divided into three more phases (Phase II, III and IV). Phase II consists of approximately 211 residential condominium units of which 84 units were planned as senior housing. Phase III consists of a 3 lot single family subdivision, and Phase IV was originally proposed as 50 affordable rental units for 55 years and older. Phase IV of the project has been eliminated in the Final EIR. Phases Two will have internal access roads and associated driveways, utilities, landscaping and parking. The proponent was granted a Phase I Waiver through a Final Record of Decision on October 12, 2005 for the Phase One portion of the project which is the redevelopment and building of a retail-commercial component.

The Final EIR described changes to the Phase II of the project to reduce environmental effects which include:

- Improve the buffer zone to protected state-listed species habitat;
- Revisions to the Phase III limits of work so that all work is outside of the 200-foot Riverfront Area with the exception of the outlet for the stormwater management system;
- The elimination of Phase IV from the project. Although Phase IV, which consisted of 50 affordable rental units for 55 years and older, has been eliminated from the project, the Holbrook Zoning Board will still require that 15% of the condominium units in Phase Two of the project be affordable housing;
- Addition of sidewalks throughout all components of the development to support walking and bicycling;
- Provision of bicycle racks at all project multi-family buildings;
- Inclusion of over 44 acres (56%) in a proposed permanent conservation restriction to protect rare species habitat; and
- Creation of a pedestrian footpath/walking trail over the former gravel access drive from the Phase II Residential Village to the Phase I Retail Village.

This project is subject to a mandatory EIR pursuant to Sections 11.03(1)(a)(2), 11.03(6)(a)(6), 11.03 (10)(b)(2), and 11.03 (3)(b)(d) of the MEPA regulations because it creates ten or more acres of impervious area, generates 3,000 or more new vehicle trips, destruction of any part of any Archeological Site listed in the Inventory of Historic and Archeological Assets of the Commonwealth and includes the alteration of 5,000 or more square feet of bordering or isolated vegetated wetlands. The project requires a Sewer Connection/Extension Permit and a 401 Water Quality Certification from the Department of Environmental Protection (DEP). It must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. The project requires approval from the Holbrook Planning Board, an Order of Conditions from the Holbrook Conservation Commission and a Comprehensive Permit from the Holbrook Zoning Board of Appeal.

The project also originally required a Conservation and Management Permit from the Natural Heritage and Endangered Species Program (NHESP). The project site contains habitat for the Spotted Turtle (*Clemmys guttata*), which was a state Species of "Special Concern" until May 23, 2006 when it was removed from the Massachusetts Endangered Species Act (MESA) list of Endangered, Threatened, and Special Concern species. Therefore, the project will no longer require a Conservation and Management Permit from NHESP. Despite the delisting, NHESP has encouraged the proponent to implement the Spotted Turtle protection and mitigation measures proposed in the Final EIR.

Because the proponent is no longer seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to the broad subject matter of the state permits that the proponent is seeking.

The Final EIR has generally responded adequately to the Certificate on the Draft EIR. I am satisfied that the project has avoided and mitigated environmental impacts to the greatest feasible extent, and that the state permitting agencies have adequate information on which to base their permit decisions, although as discussed below there are several areas where additional information will be developed during the permitting process.

The total estimated new sewage flow for Old English Square is approximately 43,700 gallons per day (gpd). Prior to DEP issuing any state sewer permits the proponent must demonstrate to DEP that adequate mitigation for sewer impacts has been provided for this project. Presently, the Town of Holbrook is under a DEP Administrative Consent Order, ACOP-NE-04-1001, issued in January 2005, to reduce peak wastewater flows in their sewers by removing excessive infiltration and illegal inflow ("I/I"). The Town of Holbrook must certify that I/I reduction work has been completed and allocated as mitigation for this project before any discharges from the site would be authorized by DEP.

According to the Final EIR, if adequate mitigation of sewerage impacts was not provided in time for Phase I, the proponent considered installing an on-site sewage disposal system for the expected 3075 gpd of design flow from Phase I. DEP does not support this approach and I concur. The proponent should consult with DEP and work toward implementing the preferred alternative of a sewer tie-in. I strongly encourage the proponent to also work closely with the Town of Holbrook to expedite the I/I mitigation projects to be funded and completed prior to any wastewater flows being generated by this project.

The Final EIR describes two wells on-site that were previously utilized by a golf driving range, which the proponent plans to rehabilitate to accommodate landscape irrigation associated with the Phase I Retail Village and Phase Two. The proponent should consult with DEP to indicate the water volume projected to be pumped for landscape irrigation and non-domestic water uses. I remind the proponent that water withdrawals above 100,000 per day for three consecutive months will require a Water Management Act permit.

The project site is located adjacent to the Baird and McGuire Superfund Site (site # 4-30003333), a former chemical mixing and batching company. The Final EIR included drawings that show the Superfund Site perimeter fence and its proximity and overlap with the proposed project. I advise the proponent to continuously update DEP's Bureau of Waste Site Cleanup (BWSC) and the Environmental Protection Agency (EPA) as the proposed development moves forward. Specifically, DEP's BWSC and EPA need to be kept in continuous communication and assured that the groundwater monitoring wells on and off-site are not disturbed and that sewage and runoff water disposal does not interfere with the groundwater remedy at the Baird and McGuire Superfund Site.

Summary of FEIR Mitigation:

The FEIR included a separate chapter on mitigation measures. The Proposed Section 61 Findings for DEP, NHESP and MHC were included in a summary table of mitigation measures. The proponent committed to the following mitigation measures under MEPA jurisdiction:

Wetlands

Permanent loss of BVW and federally and locally regulated Isolated Vegetated Wetland:

- Avoidance of impacts through the use of retaining walls, reduction in project footprint. Creation of wet meadow and forested wetland at 1.5 times the wetland lost due to necessary impacts; Monitoring and control of invasive species.

Temporary impacts to BVW, BLSF, Riverfront Area, and Bank:

- Restoration of original grades, revegetation and monitoring of temporarily disturbed wetlands; Creation of daylighted stream/swale from culverted section of flow underneath the proposed footpath.

Potential impacts to wetland resource areas and vernal pool habitat:

- Installation of erosion control and BMPs prior to site work; Spanning of a narrow section of intermittent stream and Wetland A for the temporary Phase Two construction vehicle access road connecting to Mear Road; Minimum 100 foot no work zones around vernal pool habitat; Planting of trees in the 100 foot buffer zone.

Water Quality

Potential impacts to wetland receiving areas and the Cochato River

- Use of stormwater management BMPs in full compliance with the DEP Stormwater Management Policy.
- Use of non-sodium de-icers and minimization of the use of herbicides and pesticides in landscaped areas.
- Regular maintenance of the stormwater management systems.

Rare Species

Potential impacts to Spotted Turtle Habitat:

- Installation of turtle barriers, installation of an open box culvert with a grated roadway surface to facilitate turtle migration, minimize all-terrain vehicle and pedestrian activity, establish a Conservation Restriction on about 45 acres of the project site.

Wastewater

Potential impacts to the municipal and MWRA sewer systems:

- Coordination with the Holbrook DPW and DEP to remove infiltration and inflow.

Stormwater

Increase in impervious surface area:

- Construction of stormwater management systems in compliance with the DEP Stormwater Management Policy.

Archaeology

Potential impacts to Native American Archaeological sites:

- Existing trails will be blocked off to prevent all-terrain and other off-road vehicles from impacting the Lake Holbrook site.

Construction

Sedimentation and erosion:

- Sedimentation and erosion will be controlled through implementation of a Stormwater Pollution Prevention Plan.

Emissions:

- Contractors will be encouraged to participate in the DEP Diesel Retrofit Program.

During the ENF and Draft EIR concerns were raised by commenters regarding traffic. Although not under MEPA jurisdiction, the Final EIR outlined the proponent's commitment to transportation mitigation measures which have been stipulated by the Holbrook Planning Board in their recently issue Special Permit.

- The proponent will work with the Holbrook DPW to design and install two traffic control signal systems for the intersections of Union Street at Cedar Hill Road and the easterly access drive to Old English Square; and Union Street at the westerly access drive to Old English Square. The roadway improvements may include a donation of the proponent's land along the frontage for the purpose of widening Union Street to provide a left-turn storage lane at the westerly driveway to Old English Square. The work will also consist of cold planing and resurfacing Union Street for the entire site frontage, reconstruction of curbing, driveways and sidewalks, and new pavement markings and signage.
- The proponent will implement Transportation Demand Management (TDM) measures for the project including: Providing an ATM in the Retail Village; working with the businesses who locate in the Retail Village to encourage flextime and direct deposit for employees; working with MassRIDES to develop and implement TDM travel option

programs to reduce traffic volumes; contacting the appropriate public transportation agencies and explore the feasibility of public transportation along Union Street; and providing MBTA Commuter Rail schedules in common areas of the Phase II Residential Village.

- The proponent will continue to work with the Holbrook DPW to identify sources of funding to improve Union Street and provide enhanced sidewalks between Old English Square and the Randolph-Holbrook commuter rail station.

To keep all interested parties fully informed of permitting developments, I ask that the proponent send notification of local public meetings regarding the project to those parties commenting on the ENF, Draft EIR and Final EIR. I also ask that the proponent send to the commenters notices of any relevant state permitting comment periods, meetings, or other opportunities for public input into the state permitting process.

I anticipate that additional information will be developed during the permitting process. In particular, the DEP permitting process for this project is extensive, and may result in further design refinements. If the project should undergo material changes as a result of permitting (or for any other reason), the proponent should file a timely Notice of Project Change.

The state agencies should forward copies of their Section 61 Findings to the MEPA Office for completion of the file.

June 30, 2006

Date


Stephen R. Pritchard

Comments received:

06/20/06	Division of Fisheries & Wildlife, NHESP
06/23/06	Department of Environmental Protection, SERO
06/23/06	US Environmental Protection Agency
06/26/06	Metropolitan Area Planning Council

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