



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

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

July 18, 2007

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

PROJECT NAME: Prospect Ridge (formerly Carriage Hill)
PROJECT MUNICIPALITY: Merrimac
PROJECT WATERSHED: Merrimack
EOEA NUMBER: 13706
PROJECT PROPONENT: Toll Brothers, Inc.
DATE NOTICED IN MONITOR: June 11, 2007

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that the Supplemental Draft Environmental Impact Report (SDEIR) submitted for this project **adequately and properly complies** with MEPA and its implementing regulations. The proponent may prepare and submit the Final Environmental Impact Report (FEIR) for MEPA review.

Project Description

As described in the SDEIR, the project proposes the construction of a 214-unit townhouse development with associated site improvements on an approximately 77.5-acre site on East Main Street/Route 110 in Merrimac. The project is being proposed under the state's Comprehensive Permit framework (Chapter 40B). The development will also include a Community Center; 428 garage parking spaces; 102 surface road parking spaces; 7 Community Center parking spaces; landscaping; utility services; drainage improvements; and a paved wetlands crossing for the main entrance into the complex. The water supply and sewage discharge line are proposed to be connected to municipal utility services available at

the site. Access to the development will be via a divided driveway to be located on the north side of East Main Street. The project is anticipated to generate 1,226 new daily vehicle trips.

The project site lies within the Town of Merrimac's Watershed Protection District. The parcel also contains wetlands which are tributary to Lake Attitash, an Outstanding Resource Water (ORW) and a surface water supply reservoir that serves the entire region. The project site is also located within Estimated and Priority Habitat of Rare Species protected pursuant to the Massachusetts Endangered Species Act (MESA).

Jurisdiction and Permitting

The project is undergoing environmental review and is subject to the preparation of a mandatory EIR pursuant to Sections 11.03(1)(a)(2), 11.03(1)(b)(1) and 11.03 (6)(b)(14) of the MEPA regulations because the project proposes the creation of more than ten acres of impervious surface; the project will alter more than 25 acres of land; and because the project will result in the generation of more than 1,000 new daily vehicle trips and require the construction of more than 150 new parking spaces.

The project requires a National Pollutant Discharge and Elimination System (NPDES) Construction General Permit from the U.S. Environmental Protection Agency (EPA); a 401 Water Quality Certificate, a BRP WM 09 – Approval of NPDES Stormwater Pollution Prevention Plans for Construction or Industrial General Permits Discharging to Outstanding Resource Waters, and a Sewer Connection/Extension Permit from the Department of Environmental Protection (MassDEP); review by the MA Division of Fisheries and Wildlife (DFW) Natural Heritage and Endangered Species Program (NHESP); an Access Permit from the Massachusetts Highway Department (MassHighway); an Order of Conditions (OOC) from the Merrimac Conservation Commission (and hence a Superceding OOC from MassDEP if the local Order is appealed); and a Comprehensive Permit from the Merrimac Zoning Board of Appeals (ZBA).

Because the proponent is not seeking financial assistance from the Commonwealth for the project, and because the project has already received a Comprehensive Permit from the Merrimac ZBA, and therefore will not require approval from the Housing Appeals Committee (HAC), MEPA jurisdiction is limited to the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction extends to issues of land alteration, drainage, rare species, wetlands, wastewater and transportation.

Review of the SDEIR

The purpose of MEPA review is to ensure that a project proponent studies feasible alternatives to a proposed project; fully discloses environmental impacts of a proposed project; and incorporates all feasible means to avoid, minimize, or mitigate Damage to the Environment as defined by the MEPA statute. I have fully examined the record before me, including but not limited to the Scope issued on September 14, 2006, the SDEIR filed in

response; and the comments entered into the record. I find that the SDEIR is sufficiently responsive to the requirements of the MEPA regulations and the Scope to meet the regulatory standard for adequacy.

The proponent has outlined numerous improvements to the project in the SDEIR; however, there are several significant issues that remain to be addressed in the FEIR. The FEIR requires a more meaningful alternatives analysis and more information on how the proponent intends to avoid potential adverse impacts to sensitive and critical environmental receptors. The proposed project is a large development that will have significant impacts on natural resources and public infrastructure in Merrimac. While I am allowing the project to proceed in MEPA review, the FEIR must fully address the issues set forth in this Certificate and in all comments submitted on the SDEIR to be found adequate.

SCOPE

General

The FEIR should be prepared in accordance with Section 11.07 of the MEPA regulations as modified by this Certificate. The FEIR must contain a copy of this Certificate and a copy of each comment received on the SDEIR. The FEIR should respond to all comments received from local and state agencies, and from members of the public, to the extent that the comments are within MEPA subject matter jurisdiction. The FEIR should present additional narrative and/or technical analysis as necessary to respond to the concerns raised.

The FEIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should be sent to any state agencies from which the proponent will seek permits or approvals, to the list of "comments received" below, and to Merrimac officials. A copy of the FEIR should be made available for public review at the Merrimac Public Library.

Alternatives

The Certificates on the ENF and the DEIR required that the proponent conduct a comprehensive alternatives analysis in order to ascertain which site layout minimizes overall impacts to land, open space, wetlands, rare species and sensitive receptors. Specifically, the proponent was required to analyze a reduced build scenario that would address issues related to the capacity of the Town of Merrimac's drinking water and wastewater systems and reduce impervious area and impacts to wetlands. At the heart of the MEPA process is the requirement to evaluate feasible alternatives to a proposed project, to ensure that all state agencies can find, pursuant to Section 61 of the statute, that all feasible means to avoid, reduce, or mitigate environmental damage have been considered and incorporated into the

project design.

In the DEIR, the proponent evaluated the environmental impacts of five alternatives, including the No-Build and the currently proposed development plan. The proponent has reduced the amount of required impervious surface and wetland impacts in the current design plan. Despite these proposed changes, the alternatives analysis in the SDEIR is problematic because the three other alternatives outlined are not permissible at the local and/or state level. Alternatives 2 and 3 do not satisfy local requirements for emergency access and do not propose any mitigation for significant wetland impacts. MassDEP's comments on the ENF also indicated that the ENF development plan was not permissible.

According to the SDEIR, the preferred current development plan features 214 townhouse units in a clustered development layout. This alternative will result in the creation of 17.79 acres of new impervious surface and the alteration of 46.40 acres of land. In contrast, Alternative 2 is described as a conventional development layout of 468 apartment units within 18 buildings. Alternative 2 would result in the creation of 10.67 acres of new impervious surface and the alteration of 38.50 acres of land. The proponent should explain the discrepancy between the "clustered" design that will actually result in far greater environmental impacts than the conventional design. In addition, the proponent should clarify how much of the site proposed to be left as undisturbed open space is upland.

The SDEIR did not provide substantive justification for alternatives that were rejected by the proponent, aside from reference to the lack of permissibility. The SDEIR does not include a reduced build alternative that reduces the density or scale of the site development as required in the Certificate on the DEIR. None of the alternatives presented consider construction of less than the 214 residential units proposed for the current plan. I acknowledge that the proponent has already received a Comprehensive Permit from the Merrimac Zoning Board of Appeals and that as currently proposed, the project meets local requirements. However, the proponent should propose a permissible alternative in which proposed uses are reduced in size, eliminated, combined or increased in height, thereby reducing the density and/or footprint of the proposed project.

Land Alteration/Drainage

The project as described in the SDEIR will result in the alteration of 46.40 acres of land and the creation of approximately 17.79 acres of new impervious surface at the site. Due to the site's proximity to drinking water resources and ORWs, it is important that the project's stormwater management system provides the highest practicable level of treatment so as not to adversely impact groundwater in the area. According to the SDEIR the proposed drainage system for the project will be designed in compliance with MassDEP's Stormwater Management Policy (SMP) and the Town of Merrimac's Water Resources Protection District Regulations.

The proponent is required to file with the U.S. EPA for coverage under the National Pollution Elimination System (NPDES) General Permit for Storm Water Discharges from

Construction Activities. The proponent is also required to comply with state regulations that protect and control pollutant discharges to surface waters designated as ORWs in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00. To allow MassDEP to determine whether the project will provide adequate stormwater management measures to avoid or minimize impacts to protected resources, the project requires MassDEP approval of the NPDES Stormwater Pollution Prevention Plans for Construction General Permits Discharging to ORWs.

Three stormwater watersheds exist on the subject parcel:

1. The northwestern portion of the site, from the peak of Prospect Hill to Cobblers Brook drains to Cobblers Brook. Cobblers Brook is designated as a Cold Water Fishery in the Massachusetts Surface Water Quality Standards at 314 CMR 4.00. Portions of the northwest watershed lie within the Town of Merrimac's Water Resources Protection District, MassDEP's Water Supply Zone C and the 200-foot Riverfront Area to Cobblers Brook.
2. The northeastern portion of the site drains through a culvert under Bear Hill Road and ultimately to Lake Attitash, a public water supply ORW. Portions of the northeast watershed lie within the Town of Merrimac's Water Resources Protection District and MassDEP Water Supply Zones A and C. No structures or impervious areas are proposed within the northeast watershed. The proponent should clarify whether the portion of the site draining to the northeast watershed will be cleared or altered, thereby potentially increasing flow velocity to the culvert.
3. The remaining portion of the site drains to the southern wetland watershed at the east of the property and ultimately to the Merrimack River. The southern wetland is not a critical area but portions of this watershed lie within the Town of Merrimac's Water Resources Protection District and MassDEP's Zones A and C.

All impervious surfaces within the northwest watershed are proposed to be routed into a drainage system for treatment in deep sump hooded catch basins and discharged into the forebay of an extended detention basin. Outlet control structures in the basin will regulate the flow of stormwater and route it into a plunge pool. The plunge pools will supplement the benefits of the detention basin by further equilibrating the temperature, increasing the dissolved oxygen, decreasing the volume of suspended solids, and decreasing the velocity of the stormwater flows as they travel a minimum of 110 feet before entering Cobblers Brook. The proponent should provide clarification on the ability of the plunge pools to reduce Total Suspended Solids (TSS).

Stormwater within the south watershed will be collected in deep sump hooded catch basins, routed through a pipe network and discharged into an extended detention basin or a water quality swale. To address MassDEP's concerns about groundwater recharge, the proponent will install a water quality swale with check dams. Rooftop runoff from proposed buildings will be routed to 90 underground infiltration chambers spread throughout the site. The FEIR should explain the reduction in number of roof drainage infiltration chambers, as compared to the 642 chambers previously proposed, and should discuss how the management of rooftop runoff will contribute to maintaining groundwater recharge at the site.

In the FEIR, the proponent should discuss compliance with each of the applicable SMP standards. The proponent should clarify if the project will meet SMP Standard #4 that requires removal of at least 80% of TSS. The SDEIR states in some sections that the stormwater management system will achieve 70% TSS removal and in others that 80% TSS will be removed. According to the SDEIR, the proposed Best Management Practices (BMPs) are approved by MassDEP for use in critical areas. The system will treat one inch or greater of runoff in compliance with SMP Standard #6.

A Unit Owner's Association will be established under the requirements of the condominium agreements and will be responsible for the operations and maintenance of the stormwater management system. All roadways within the project will be swept by a vacuum sweeper four times annually as outlined in the Stormwater Operation and Maintenance Plan that was submitted with the SDEIR. The proponent has addressed concerns about potential spills with a two-fold stormwater drainage system shut-down and containment system. To prevent illicit dumping into catch basins, "Do Not Dump" signage will be installed. A Stormwater Pollution Prevention Plan (SWPPP) and Snow Disposal Plan were submitted with the SDEIR for review.

The proponent will incorporate several Low Impact Development (LID) techniques into the proposed design to reduce the impacts of the development on land and water resources. LID techniques incorporate stormwater best management practices (BMPs) and can reduce impacts to land and water resources by conserving natural systems and hydrologic functions. The following LID measures are proposed:

- The proponent will cluster housing units through the site, reduce the creation of impervious surfaces by minimizing the width of sidewalks and a portion of the site's roadways, and will maintain 31.06 acres of the site as undisturbed open space;
- The stormwater management system will provide groundwater recharge through the use of bioretention swales and rooftop infiltration units; and,
- The proponent will install drought-tolerant and meadow landscape plantings instead of turf grass, reducing the need for landscape irrigation.

The proponent should respond to comments submitted on the SDEIR regarding proposed LID measures.

Wetlands

The Certificate on the DEIR requested clarification on the jurisdictional status of a stream located in the southeast corner of the site. The USGS topographic map indicates that this is an unnamed perennial stream, that, according to the SDEIR flows northeast and eventually crosses under Bear Hill Road to a wetland located in Indian Head Park. The proponent states however that the stream that is referred to in the ENF and DEIR is an unmapped intermittent stream located to the west of the mapped perennial stream. The proposed stream crossing will occur over this intermittent stream.

The SDEIR also indicates that this intermittent stream is not tributary to Lake Attitash. In its comments on the SDEIR, MassDEP states that this information is inconsistent with the wetlands datalayer and the Surface Water Protection datalayer in MassGIS, which show the wetland resource area proposed to be altered by the crossing to be ORW. The proponent should submit additional information to MassDEP to demonstrate that the MassGIS data in this area needs to be revised to exclude the wetland resources from the ORW, and request field verification of the proposed map changes by MassDEP staff. Alternatively, the access would need to be redesigned for compliance with the 401 Water Quality Certificate regulations for work in an ORW.

The Town of Merrimac has required a divided boulevard to ensure that vehicle accidents on the boulevard do not block access to the site by emergency vehicles. The divided boulevard has been reduced in width from 60-feet to 44-feet in areas where the proposed roadway crosses wetlands. A total of 1,915 square feet (sf) of Bordering Vegetated Wetlands (BVW) will be altered at the boulevard wetland crossing. This reflects a change in impact from the DEIR, which indicated that the project would alter 8,754 sf of BVW. An existing 12-inch pipe at the wetland crossing will be replaced by a new 36-inch pipe allowing for unrestricted flow of water under the proposed boulevard. The design for this culvert must be consistent with the *Massachusetts River and Stream Crossing Standards*, March 2006.

While wetland impacts have been reduced in the Current Development Plan, the project continues to require a 401 Water Quality Certificate. The proponent submitted an analysis of alternative wetland crossings in the SDEIR. Inquiries regarding the possibility of accessing the site from abutting parcels indicated that none provided a viable option for access. The proponent also states in the SDEIR that a bridge or span over the wetlands is not considered practicable. In its comments on the SDEIR, MassDEP states that the access design for the project does not conform to the 401 Water Quality Certificate regulations at 314 CMR 9.06(3) that presume that a span or bridging technique is a practicable alternative for access to a project of this magnitude. The proponent must resolve permitting issues related to the proposed wetlands crossing in advance of filing the FEIR.

The project will also result in the alteration of 3,317 sf of non-jurisdictional isolated wetlands, 149,595 sf of Buffer Zone, 29,904 sf of Riverfront Area, and the creation of 26,506 sf of impervious area in the Buffer Zone. All of the proposed Riverfront Area impacts are for the creation of stormwater management structures.

The proponent proposes a 23,524 sf wetland replication area, including a vernal pool, and 63,535 sf of planting in upland areas to mitigate for wetland impacts. A copy of the proposed wetland replication plan was submitted with the SDEIR that outlined the proposed plant list, construction sequencing and monitoring. In response to comments from MassDEP, the proponent should provide more information in the FEIR on the proposed replication area and vernal pool. The FEIR should also identify other instances where vernal pools have been replicated successfully, if available.

Rare Species

A portion of the project site is located within Estimated & Priority Habitat of Rare Species as indicated in the Massachusetts Natural Heritage Atlas, 11th Edition. This area has been delineated as habitat for the Blanding's Turtle (*Emydoidea blandingii*) and Blue-spotted salamander (*Ambystoma laterale*), which are both state-listed rare species. Two additional state-listed rare species, the Eastern Box Turtle (*Terrapene carolina*) and the Spotted Turtle (*Clemmys guttata*) have been documented to occur nearby, but have not been documented to occur within this Estimated & Priority Habitat.

In response to a request from NHESP, the proponent conducted a rare species survey and habitat assessment for the Blue-spotted salamander and Blanding's Turtle. During the survey the proponent did not capture or visually observe any specimens. The proponent has filed with NHESP for Massachusetts Endangered Species Act (MESA) project review and has received a determination that the project will not result in a prohibited "take" of state-listed species. The report detailing the habitat assessment and all correspondence with NHESP were submitted with the SDEIR.

Cobbler Brook is a coldwater resource that provides habitat to the native brook trout (*Salvelinus fontinalis*). The site plan in the SDEIR calls for clearing and construction of a portion of the northern detention basin within the Riverfront Area to the brook. Two plunge pools will be added to the detention basin to equilibrate the temperature of the stormwater, decrease the volume of suspended solids, decrease the velocity of discharge water and increase the dissolved oxygen content. The proponent conducted an analysis of the potential impacts of the stormwater discharge on the brook's ability to support coldwater fish species and found that the detention basin will not adversely impact the brook's function as a coldwater fishery. The report on the analysis was submitted with the SDEIR. The proponent should respond in the FEIR to specific comments regarding the conclusion that there will be no adverse thermal impact to Cobbler Brook.

Drinking Water

The project is anticipated to require 50,915 gallons per day (gpd) of drinking water. This figure is based on a water demand between 65 and 85 gpd per person in the development. Domestic water for the project will be provided by the Town of Merrimac's water system. In its comments on the ENF, MassDEP stated that that an Administrative Consent Order (ACO) has been issued to the Town of Merrimac because from 1999 to 2003 the Town exceeded its Water Management Act (WMA) registered volume of 0.36 million gallons per day (MGD) by more than 100,000 gallons. In response to MassDEP's concerns, the proponent obtained Historic Water Withdrawal Records from the Merrimac Water Department. The records indicate that the Town of Merrimac's water system has an average daily flow of 537,572 gpd and has 178,515 gpd of available capacity. The proponent argues therefore that the Merrimac water system has the capacity to provide the 50,915 gpd required for the proposed project.

To reduce the project's water demand, the proponent will install low-flow toilets and water saving fixtures in the units when feasible. The proponent should clarify when it would be and when it would not be feasible to install low water use fixtures. The proponent should go beyond minimal water conservation standards to achieve maximum water efficiency. An annual audit program for water use will be run by the Unit Owner's Association. Drought-tolerant and meadow plantings will be used for landscaping wherever possible, reducing the need for irrigation. Water for irrigation will be obtained from private wells onsite that will be located outside of the 100-foot wetland buffer zone and the Zone A Water Supply Protection Zone.

The proponent must include documentation in the FEIR from the Merrimac Water Department indicating that there is adequate hydraulic capacity to provide safe drinking water to the proposed project area at the anticipated post development demand flow. In response to comments from MassDEP, the proponent should work with the Town to identify and adopt measures and/or project that would reduce water demand system-wide and help offset the water use of the proposed project. The Town of Merrimac is also actively seeking to attract new industry to two vacant sites that are connected to the water system, which will further reduce the capacity of the municipal system.

The proponent has committed over \$1,100,000 in funding for improvements to the Town's existing water system. The proponent will replace an old 6-inch water main with over 7,500 feet of 12-inch pipe. This new pipe will create a loop from the 10-inch main in East Main Street, through the project to Bear Hill Road, and then follow Bear Hill Road north to an existing 12-inch pipe at Sargeants Farm. The proponent will also install new service stubs to the property lines of the abutters of the new water main. The cost of this upgrade is estimated at \$750,000. An additional \$350,000 cash payment will be made from the Proponent to the Town of Merrimac to upgrade the Town's pump stations.

Wastewater

The projected 65,895 gpd of wastewater for the project will be connected to the municipal sewer system to be treated at the Town of Merrimac's wastewater treatment plant (WWTP). The projected wastewater flow is based on an estimated 110 gpd per bedroom as outlined at 314 CMR 7.15 plus an additional 5 gpd from the Community Center. The proponent should explain why proposed flows are less than the 71,280 gpd estimated in the DEIR. The project will require a Sewer Connection Permit from MassDEP. The proponent should provide documentation in the FEIR from the Town of Merrimac indicating that there is adequate capacity in the wastewater system to accommodate the increase in flow from the proposed project.

In its comments on the ENF and DEIR, MassDEP voiced serious concern that there is insufficient capacity in the municipal system to treat the proposed wastewater flows. The proponent states in the SDEIR that due to excessive spring rainfall and infiltration the Town's WWTP recently exceeded MassDEP's 12 month rolling average permit. Independently of the Prospect Ridge project, the Town has been working closely with MassDEP to bring the plant

into compliance through infiltration and inflow (I/I) removal, removal of illicit connections to the sewer system, and is currently looking into upgrading the WWTP to increase capacity. In the FEIR, the proponent should present a discussion in response to comments submitted on the DEIR and the SDEIR on the possibility of a proportional financial contribution from the proponent to the Town of Merrimac specifically for the expansion of the WWTP.

According to the SDEIR, the increase in sewer flow to the municipal system will be completely offset through I/I removal provided by off-site sewer improvements on Shore Road and Bisson Lane. The existing sewer on Bisson Lane and Shore Road is completely submerged by the water table at the location of the proposed sewer improvements. A flow monitoring report included in the SDEIR indicates that there is 92,000 gpd of I/I entering the sewer system in the area of the proposed mitigation. The proponent estimates that the proposed improvements will remove between 80,000 and 90,000 gpd by waterproofing the sewer lines below the elevation of the groundwater. The proponent should clarify with MassDEP that the proposed amount of I/I removal is sufficient and should address all comments submitted on the SDEIR regarding the I/I mitigation. MassDEP has stated that the I/I removal work will need to be completed in advance of the project's connection to the sewer system and discharge of wastewater and before any permit for a sewer connection or extension for this project is approved.

Transportation

According to the SDEIR, the proposed development will result in 1,226 new average daily trips (adt). The proponent should explain why the anticipated traffic is less than the 1,780 new daily vehicle trips as outlined in the ENF and DEIR. Access to the development will be via a divided driveway to be located on the north side of East Main Street, and the project will require a MassHighway permit for access to East Main Street/Route 110. The DEIR included a transportation study that was prepared in general conformance with the Executive Office of Environmental Affairs/Executive Office of Transportation and Construction Guidelines for EIR/EIS Traffic Impact Assessments. The proponent responded in the SDEIR to questions raised by MassHighway regarding the validity of the data collected to establish baseline traffic conditions for the project.

The proponent has committed to implement mitigation measures, primarily in the form of traffic control signage and roadway markings, at the site driveway intersections with Route 110. The Certificate on the DEIR requested that the proponent coordinate mitigation with the Town of Merrimac, who is currently planning improvements to the Town Center. The Town Center Improvement Project is scheduled to begin construction in spring 2009 and is funded through the Transportation Improvement Program (TIP). Therefore, the proponent and the Town have formed an agreement on mitigation that will be provided in other areas throughout Merrimac, as outlined in a section of this Certificate below.

The project site is currently serviced by a sidewalk located on the south side of Route 110. The sidewalk extends to the Town Center and beyond, and according to the proponent, is not in need of repairs and reconstruction. The proponent should consider

improving and/or reconstructing the sidewalk on the north side of Route 110 as requested by MassHighway and the Merrimack Valley Planning Commission. A pedestrian crosswalk is proposed across the proposed Access Drive, which will align with the existing sidewalks along the north side of East Main Street. A crosswalk across East Main Street west of the Site Drive was proposed and submitted to MassHighway District 4 as part of the Highway Access Permit Application. According to the SDEIR, MassHighway requested that the crosswalk not be constructed. In its comments on the SDEIR, MassHighway states that if the site drive is to become an accepted Town of Merrimac street, a crosswalk would be appropriate at this location. The proponent should also consider improvements to the crosswalk across East Main Street at the Town square. The FEIR should provide an update on issues related to crosswalks on East Main Street.

The project will include the following pedestrian and bicycle amenities:

- A pedestrian/bicycle sidewalk along the west side of the Access Boulevard between East Main Street and the Community Center driveway;
A pedestrian/bicycle sidewalk between the Access Boulevard and the Community Center;
- Bicycle racks at the Community Center;
A pedestrian/bicycle sidewalk along one side of each loop of the boulevard and Road A;
- Construction of five separate internal crosswalks; and,
- Pedestrian ramps at each driveway crossing and intersection.

According to the SDEIR, a bus shelter is proposed along the main boulevard near the intersection with East Main Street. The proponent should clarify in the FEIR whether it will be constructing or funding the bus shelter itself, and what bus service or transit authority will service the stop.

Mitigation

As outlined in the SDEIR, the proponent has committed to making the following financial contributions to the Town of Merrimac as mitigation for the Prospect Ridge project:

- School \$107,000
- Affordable Housing Production Plan \$15,000
- Infiltration and Inflow (Bisson Lane) \$200,000
- Water line upgrade (Bare Hill Road) \$700,000
- Pump Station Upgrade \$350,000
- Fire Department Equipment \$78,900
- Police Department Equipment \$241,000
- Open Space Study \$15,000
- Miscellaneous Town Hall Equipment \$25,000

The SDEIR did not contain Draft Section 61 Findings for state permits as requested in the Secretary's Certificates on the ENF and DEIR. Section 10.0 of the SDEIR, titled "Section

61 Findings” directs the reader to Appendix BB. Appendix BB of the SDEIR contains the Transportation Report for the project. The FEIR must submit Draft Section 61 Findings and a Draft Letter of Commitment for use by MassHighway that includes 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. The proponent should refine the discussion on mitigation based on comments submitted on the SDEIR and consultation with permitting agencies, and adjust the proposed mitigation as necessary. The FEIR should provide a schedule for the implementation of the mitigation, based on the construction phases of the project.

July 18, 2007

Date



Ian A. Bowles

Comments received:

| | |
|-----------|---|
| 7/11/2007 | Executive Office of Transportation |
| 7/11/2007 | Merrimack Valley Planning Commission |
| 7/11/2007 | Department of Environmental Protection, Northeast Regional Office |
| 7/11/2007 | Jon R. Pearson |

IAB/BA/ba