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August 31, 2007

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

PROJECT NAME : Mirimichi Estates  
PROJECT MUNICIPALITY : Plainville  
PROJECT WATERSHED : Taunton River Basin  
EOEA NUMBER : 13648  
PROJECT PROPONENT : Shepardville Realty Trust  
DATE NOTICED IN MONITOR : July 25, 2007

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

Project Description

As described in the Expanded Environmental Notification Form (EENF) and the Draft EIR, the project consisted of the construction of a 66-lot subdivision on a 78-acre site in Plainville, MA. The Final EIR describes changes to the proposed project including the re-design and reduction of the project to a 64-lot subdivision to eliminate the project's impacts on riverfront area. Access to the site will be provided from Messenger Street (Route 106) and Hillside Road. The project site abuts existing residential areas and a public water supply. It includes forested uplands, wetlands, 100-year floodplain, riverfront area associated with Lake Mirimichi and Turtle Brook (a perennial stream), estimated habitat of rare species and previously disturbed areas associated with the construction of the abutting wellfield.<sup>1</sup>

<sup>1</sup> The Lake Mirimichi Wellfield (EOEA #11590) project was reviewed by MEPA in 1998. It included installation of three wells and construction of a pumping station and a water main. The Town took 8.34 acres of land by eminent domain from the project proponent to satisfy Zone I requirements. The proponent granted an easement to the Town for installation of the water main and access to the wellfield from Messenger Street (Route 106) (along proposed subdivision roads).

In addition to eliminating impacts to riverfront area, the redesign will result in small reductions of other project impacts. Potential impacts are associated with alteration of 46 acres of land, creation of 10.65 acres of new, impervious surfaces, generation of 675 average daily vehicle trips (adt) and generation of 28,160 gallons per day (gpd) of wastewater.

### Permits and Jurisdiction

The project is subject to review and mandatory preparation of an EIR pursuant to Section 11.03 (1)(a)(2) because it requires a state permit and consists of creation of more than 10 acres of new, impervious area. The project requires a Sewer Connection Permit from the Department of Environmental Protection (MassDEP). Also, the project requires an Order of Conditions from the Plainville Conservation Commission. An Order of Conditions was issued on November 15, 2005 and was appealed to MassDEP by the project proponent. Since the filing of the Draft EIR, the project was revised consistent with requirements of the Order and the appeal was withdrawn.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that may cause significant Damage to the Environment and that are within the subject matter of required or potentially required state permits. These include wetlands, water quality, drainage, wastewater and historic and archaeological resources.

### Review of the Final EIR

The Final EIR addresses the concerns raised on the Draft EIR and describes changes to avoid, minimize and mitigate project impacts. The primary concerns identified by the Scope for the Draft EIR were the impacts to riverfront area and the provision of adequate wastewater mitigation.

As noted previously, the project has been redesigned to eliminate impacts to the riverfront area, including the extensive cutting and filling associated with roadway construction (including the removal of mature vegetation) and preparation and grading of the site for house construction. All houses and associated landscaping can be constructed without impacts to riverfront area although several lots may require individual Orders of Conditions. The redesign will also reduce the amount of land alteration and creation of new impervious surfaces associated with the project. The Final EIR reaffirms the commitment to permanently protect 13 acres of land, including habitat of the Bridle Shiner, along Turtle Brook and delineates the conservation land on a plan. I encourage the proponent to re-consider placing deed restrictions on the lots to minimize the potential for wetlands alterations by individual homeowners. In addition, I encourage the proponent to consider placing markers at all lot corners that abut the conservation portion of the property to clearly demarcate it.

The Plainville Wastewater Facilities Plan Update (EEA #13757) identifies the need to minimize extraneous flow (inflow/infiltration (I/I)) in the sewage system. The Plainville Water and Sewer Department is creating an I/I mitigation fund that developers will contribute to for wastewater mitigation. A funding formula is being developed that will be based on a 5:1 ratio of

wastewater removed to wastewater generated. The Final EIR includes a commitment to contribute to the I/I fund.

### Mitigation

The Final EIR includes an updated chapter on mitigation measures and updated Draft Section 61 Findings for all state permits. The Final EIR describes the following mitigation commitments:

- permanent protection of a 13-acre parcel of land adjacent to Turtle Brook River;
- a reduction in the amount of gravel mining (and grading) proposed for the site from 634,000 cubic yards to 210,000 cy;
- construction and maintenance of an effective stormwater management system;
- extension of sewer collections system (and creation of adequate capacity within the pump station) to facilitate sewerage of Hillside Drive, Azalea Drive, Mirimichi Street and Treasure Island Road;
- a \$50,000 contribution towards improvements to the Route 106/152 intersection; and
- a monetary contribution to the Town of Plainville's I/I mitigation fund.

Based on review of the Final EIR, consultation with state agencies and review of comment letters, I find that the Final EIR adequately and properly complies with MEPA. The proponent, through its various submissions under MEPA, has adequately assessed the potential impacts of the project and committed to measures that will avoid, minimize and mitigate adverse impacts. I am also satisfied that any remaining issues can be addressed through the state permitting processes. The proposed project requires no further review under MEPA and may proceed to permitting. MassDEP should forward a copy of their final Section 61 Findings to the MEPA Office for completion of the project file.

August 31, 2007

Date



Ian A. Bowles

### Comments Received:

8/22/07 Department of Environmental Protection (MassDEP)/Southeast Regional Office (SERO)

IAB/CDB/cdb