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October 3, 2008

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CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
FINAL ENVIRONMENTAL IMPACT REPORT/NOTICE OF PROJECT CHANGE

PROJECT NAME : Eaglebrook Village
PROJECT MUNICIPALITY : Wrentham
PROJECT WATERSHED : Charles River
EOEA NUMBER : 13472
PROJECT PROPONENT : Eaglebrook Development, LLC
DATE NOTICED IN MONITOR : August 27, 2008

As Secretary of Energy and Environmental Affairs, I hereby determine that the Final Environmental Impact Report (FEIR)/Notice of Project Change (NPC) submitted on the above project **adequately and properly** complies with the Massachusetts Environmental Policy Act (MEPA) (G. L. c. 30, ss. 61-62I) and with its implementing regulations (301 CMR 11.00).

Project Description

As described in the FEIR/NPC, the proposed project consists of the development of a 327,252 sf of mixed-use commercial space and 104 units of residential space. The central portion of the site will accommodate approximately 79,500 square feet (sf) of office space, 54,011 sf of retail space, 11,151 sf of restaurant space, 43,000 sf of service space, and 139,590 sf of flex space with 1,282 parking spaces on 86 acres. Approximately 104 residential units consisting of 36 age-restricted townhouses, 32 townhouse condominiums, 36 single-family dwellings, and associated infrastructure will be constructed on approximately 38 acres of land on the eastern portion of the site with 208 parking spaces. At least 25 percent of the units will be affordable. Another approximately seven acres of the site will consist of roadways, and approximately 17.8 acres will be permanently protected by the Wrentham Conservation Commission. Within the 86-acre mixed use area, 30 acres will also be placed under a Conservation Restriction as open space. A trail system will be constructed to provide public access to the open space areas. The project site is approximately 150 acres.

Changes to the Project

The NPC was submitted for a lapse in time. The DEIR was submitted on June 15, 2005, and the FEIR was submitted on August 15, 2008, slightly over three years later. Other minor changes to the project have also occurred, as outlined herein. The western portion of the site is no longer proposed to be developed with a commercial indoor/ outdoor recreational facility. The petition to expand the uses allowed in the commercial/ industrial district was not approved at the Wrentham Town Meeting. Consequently, the mixed use component of the project has been revised since the DEIR. In the DEIR, the proponent was proposing to construct 186,000 sf of commercial/retail space and a 135,000 sf commercial recreational facility. As noted above, this is now planned as approximately 79,500 square feet (sf) of office space, 54,011 sf of retail space, 11,151 sf of restaurant space, 43,000 sf of service space, and 139,590 sf of flex space. The impervious area has now been reduced from 41 to 38 acres, and land alteration has also been reduced from 98 to 85.9 acres. Since the DEIR, water consumption and wastewater generation have each also been reduced from 75,610 to 53,001 gallons per day (gpd). The proponent has also reduced the total number of parking spaces from 1,727 to 1,490. In addition, portions of the site have been redesigned to minimize the impact on the recent discovery of state-listed species in the vicinity of and on the project site. This redesign protects a total of 47 acres of open space.

The project is subject to a mandatory Environmental Impact Report (EIR) and is undergoing review pursuant to Sections 11.03 (1)(a)(1), 11.03 (1)(a)(2), 11.03 (6)(a)(6), and 11.03 (6)(a)(7) of the MEPA regulations because it requires state permits and will result in the direct alteration of more than 50 acres of land; will create more than 10 acres of impervious area; will generate more than 3,000 new average daily trips on roadways providing access to a single location; and will construct more than 1,000 new parking spaces at a single location. The project requires an Access Permit from the Massachusetts Highway Department (MassHighway); a Title 5 Shared System Permit from the Department of Environmental Protection (MassDEP); a Conservation and Management Permit from the Natural Heritage and Endangered Species Program (NHESP); and a National Pollution Discharge Elimination System (NPDES) General Construction Permit. An appeal of the Comprehensive Permit (Chapter 40B) was resolved with judgement in favor of the proponent on December 13, 2007. The proponent received an Order of Conditions from the Wrentham Conservation Commission on January 26, 2006. MEPA jurisdiction applies to those aspects of the project within the subject matter of required permits with the potential to cause Damage to the Environment, as defined in the MEPA regulations, in this case: land alteration, transportation, wastewater, and rare species.

Review of the FEIR/NPC

The FEIR discussed the changes to the project since the filing of the DEIR and presented the project's updated impacts on land, wetlands, traffic, water and wastewater in a tabular format. It provided an update on the local and state permitting process required for the project. The FEIR reported that the appeal of the Comprehensive Permit issued by the Wrentham Zoning Board of Appeals for the project by an abutter was decided in the proponent's favor. As noted previously, the FEIR also reported that the Town of Wrentham zoning regulations revisions which were proposed for the western portion of the site to allow for the proponent's proposed recreational facility were not approved at Town Meeting. The FEIR presented a detailed

breakdown of the number of parking spaces that are required by local zoning. The FEIR evaluated alternative layouts for site roads and the commercial portion of the project.

The FEIR contained a finalized stormwater management plan. The FEIR clarified that the owners of each lot and the owners association will be responsible for the maintenance of structural Best Management Practices for each lot. The roadway drainage system would become the Town's responsibility for maintenance and repairs when the roadway is accepted by the Town. The FEIR included a discussion of potential Low Impact Development (LID) techniques that could be incorporated into the project design to help reduce runoff and non-point source pollution from the project.

The FEIR included a vegetative management plan. It included an Integrated Pest Management Plan that outlined how the proponent would minimize the leaching of nutrients from the site; how the use of herbicides, fungicides, pesticides and fertilizers will be avoided; and how site landscaping will maximize the use of native vegetation.

The FEIR reported that the project would generate approximately 53,001 gallons per day (gpd) of wastewater. It provided updated information on the proposed wastewater treatment facilities and discussed compliance with the DEP Reclaimed Water Policy and the Nitrogen Sensitive Area Standards of Title 5. The age-restricted and the general use condominiums will be serviced by a Amphidrome system to meet nitrogen loading requirements. Because each component of the project will be separately owned, the single family homes will have 36 separately owned soil absorption system under Title 5. Likewise, the commercially zoned area will be subdivided, sold (fee simple), and individually developed. Each commercial lot will comply with the Title 5 Nutrient Loading Criteria. MassDEP has informed the proponent that it will not require a Groundwater Discharge Permit. The FEIR provided information on the design of the proposed Amphidrome system. It included design information on the passive recreational area proposed on each of the two common leaching fields. The proponent met with MassDEP's Southeast Regional Office twice to discuss ownership of the proposed wastewater treatment facilities, and the applicable Title V and Groundwater Discharge Permit Regulations for the project. The FEIR provided an update on these discussions. Since there are no large flows to the wastewater treatment facility, the proponent stated that use of reclaimed water for irrigation is not cost-effective.

The FEIR stated that water demand would be approximately 53,001 gpd. The proponent will fund utility infrastructure improvements requested by the Town of Wrentham including the installation of approximately 5,200 linear feet of new water line within the project site and the upgrading of 2,200 linear feet of existing water line in Franklin Street. The FEIR updated the information on the Town's agreement with the proponent on water consumption.

The FEIR updated the trip generation changes since the DEIR. Using peak hour traffic counts from a flex-space facility in Plainville, the proponent has revised it trip generation estimates to 9,656 average weekday trips. The proponent has reduced the number of weekday trips from 11,118 trips in the DEIR. The FEIR determined that the number of vehicle trips will be lower on a peak hour and daily basis. Traffic recounts, which were redone for three intersections, indicate that the traffic volumes are lower than what was listed in the DEIR. The

FEIR demonstrated that that the proposed design of Elysium Street/Route 140 intersection can accommodate tractor trailers.

The proponent conducted a traffic signal warrant analysis for the new intersection of Route 140/Elysium Road as part of the FEIR. It developed an improvement plan for the Route 1A/Route 140 intersection. The FEIR included conceptual plans for the proposed roadway improvements that are of sufficient detail to verify the feasibility of constructing such improvements. It provided an update on the proponent's efforts to coordinate with the Town of Wrentham to provide transportation services to the residents of the age-restricted housing on site. The proponent is entering discussions with the Greater Attleboro/Taunton Regional Transit Authority (GATRA) on how to extend bus service via an existing bus route to the project site. The FEIR explored the provision of a shuttle bus service to and from the Franklin Commuter Rail Station during peak commuter hours. The site plan (Figure 1-3) depicted the proposed sidewalks and pathways.

To address endangered species concerns, the proponent has consulted with the NHESP, has made important changes to the project layout, and has committed to provide approximately 48 acres as open space in these critical habitat areas.

FEIR Mitigation

The FEIR included a separate chapter on mitigation measures. Draft Section 61 Findings for MassHighway, NHESP, and MassDEP were included in Section 7.0. Section 7.0 and the Draft Section 61 Findings contained clear commitments to mitigation and the identification of the parties responsible for implementing the mitigation. The estimates for the individual costs of the mitigation were provided as supplemental material on September 26, 2008. Section 61 Findings will be included with all state permits issued for this project, and will be considered binding upon the proponent as mitigation commitments.

In the FEIR, the proponent has committed to the following mitigation measures:

- Redesign the Elysium Street/Route 140 intersection and realign with the proposed Road "A". The proponent will also widen Route 140 and install a new traffic signal at the four-way intersection (approximately \$750,000 to \$800,000). Develop a comprehensive Route 140 Corridor improvement plan between Franklin Center and Wrentham Center to determine which locations warrant consideration for signalization, design changes or turn restrictions, or other improvements that would enhance pedestrian and traffic safety and increase capacity. The proponent will develop an escrow fund to pay for improvements that are developed through the study's recommendations (approximately \$30,000). Provide internal sidewalks and public trails (approximately \$225,000 to \$275,000).
- Provide Transportation Demand Management (TDM) measures that include designing the project to encourage pedestrian travel between uses on site, designating an on-site transportation coordinator, limiting deliveries to off-peak

hours, working with MassRides to establish a ridesharing program, and implementing a flex-time policy for employees.

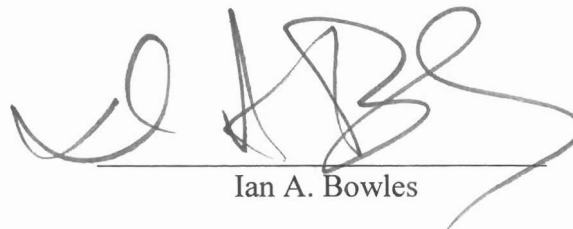
- Install bicycle racks and/or storage lockers (approximately \$12,000 to \$15,000). Provide on-site directional signs to the regional highway system (approximately \$7,500).
- Provide approximately 48 acres of open space protection for rare species.

Further details of these mitigation measures will be resolved within the state permitting process and the Section 61 Findings for each agency. The proponent must finalize its permitting requirements with the state agencies as indicated above; agencies must forward final Section 61 Findings to the MEPA Office.

I recommend that the proponent discuss the potential construction of sidewalks along its frontage with Route 140 with MassHighway and the Town of Wrentham to resolve MassHighway's concern that a sidewalk should be built. In addition, the Executive Office of Transportation (EOT) was concerned that the proponent's commitment to fund a corridor improvement plan for the Route 140/Route 1A intersection is not sufficient to mitigate the impacts of the project. EOT would however support that approach should the proponent commit to a phased development of the site commensurate with the implementation of the improvements identified in the FEIR. EOT will identify the specific interim mitigation measures that it will require at this intersection as part of the MassHighway permitting process and in its Section 61 Findings for the project. The proponent should also consider measures to control phosphorous in stormwater runoff in its Section 61 Finding with MassDEP, as recommended by the Charles River Watershed Association (CRWA).

October 3, 2008

Date



Ian A. Bowles

Comments Received:

MassWildlife (NHESP), 9/17/08

MassDEP/SERO, 9/26/08

Epsilon Associates, 9/26/08

CRWA, 9/26/08

EOT, 10/1/08

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