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October 17, 2007

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

PROJECT NAME: Connet Woods (formerly Cotuit Woods)
PROJECT MUNICIPALITY: Rochester
PROJECT WATERSHED: Buzzards Bay
EOEA NUMBER: 13975
PROJECT PROPONENT: Edgewood Development Company, LLC
DATE NOTICED IN MONITOR: September 10, 2007

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

Project Description

As described in the Single EIR, the project involves the construction of a 115-lot residential cluster subdivision on a 566-acre site with frontage on High Street and Ryder Road in Rochester. Currently, the site is primarily undeveloped vacant land consisting of moderately dense woodland, three active cranberry bogs with associated reservoirs, previously disturbed gravel pits and wetlands. Lot sizes will be a minimum of 40,000 square feet (sf) and will be served by individual private wells and septic systems. Access to the development will be via two new roadways: one off of High Street and one off of Ryder Road. Approximately 15,000 linear feet of new roadway will be constructed to serve the development. The majority of the site has been mapped as Priority and Estimated Habitat for the Eastern Box Turtle, which is classified as

a Species of Special Concern pursuant to the Massachusetts Endangered Species Act (MESA). Over 400 acres of the site will be conserved as open space.

The project will be constructed in eight phases over a period of nine years. The Proponent submitted a comprehensive construction phasing plan as an appendix to the Single EIR.

MEPA Jurisdiction

The project is subject to a mandatory Environmental Impact Report (EIR) pursuant to Section 11.03(1)(a)(1), 11.03(1)(a)(2) and 11.03(6)(a)(1)(a) of the MEPA regulations because it requires state permits and will result in the alteration of more than 50 acres of land, the creation of more than 10 acres of new impervious surface and the construction of more than two miles of new roadway. The project is also subject to review pursuant to Section 11.03(2)(b)(2) of the MEPA regulations because of potential impacts to a species protected under the Massachusetts Endangered Species Act (MESA).

The project requires a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the U.S. Environmental Protection Agency (EPA); a possible 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP); a Conservation and Management Permit from the Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP); an Order of Conditions from the Rochester Conservation Commission; a Flexible Development Special Permit and Definitive Subdivision Approval from the Rochester Planning Board; and a permit from the Rochester Soil Conservation Board.

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 permits with the potential to cause Damage to the Environment. In this case, MEPA jurisdiction extends to land alteration, stormwater, wetlands and rare species.

Review of the Single EIR

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 March 29, 2007; the Single EIR filed in response; and the comments entered into the record. I find that the Single EIR is sufficiently responsive to the requirements of the MEPA regulations and the Scope to meet the regulatory standard for adequacy. The proponent has provided a considerable amount of detailed information about the project and its potential impacts and proposed mitigation and has responded to comments that were submitted on the Expanded Environmental Notification Form (EENF). Remaining issues outlined in this Certificate may be addressed during permitting.

Alternatives

The proponent has worked closely with NHESP to design a development that minimizes impacts to rare species habitat while satisfying the Town's subdivision regulations and bylaws. The Proponent provided an overview of the consultation process and the selection of the preferred alternative in the Single EIR. The preferred alternative is a cluster subdivision design under the Town of Rochester's Flexible Development bylaw that preserves over 70 percent of the estimated rare species habitat onsite.

The Proponent also considered a conventional subdivision for the site during the local permitting process for the project. A 144-lot conventional subdivision was presented to the Planning Board in 2005. This conventional subdivision results in over 20,000 linear feet of new roadway, very little dedicated open space and significant wetland impacts. The Proponent's Preferred Alternative will result in less land alteration and impervious surface than the conventional plan, and will also allow for a significant amount of protected open space.

The Preferred Alternative design presented in the Single EIR features two "clusters", based upon the construction of one subdivision road off of High Street and one subdivision road off of Ryder Road. The housing is concentrated at the eastern and western ends of the site, leaving an expansive "wildlife corridor" throughout the site. In the alternatives analysis, the Proponent explored both a non-paved connection road and a paved connection road between the two clusters. The Proponent proposed that an existing haul road be used to connect the two clustered communities for the purpose of emergency access. This alternative was not supported by the Rochester Planning Board. Layouts featuring a continuous paved roadway from High Street to Ryder Road satisfied the Planning Board but proposed the creation of the through-way through NHESP core habitat. The Proponent now proposes to upgrade the existing haul road to Town standards. This alternative, which is supported by both the Town and NHESP, will result in impacts to 4,780 sf of wetlands.

Land Alteration/Drainage

According to the Single EIR, the project will result in the alteration of 133 acres of land and the creation of 21 acres of impervious surface. Stormwater management systems for the project will be designed in accordance with the Town of Rochester Planning Board regulations as well as MassDEP Stormwater Management Policy (SMP) guidelines. The majority of the stormwater conveyance system will be a closed system consisting of catch basins, manholes and an underground piping network. The project will incorporate structural and non-structural Best Management Practices (BMPs) including deep-sump catch basins, oil and grease separators, extended detention ponds, grassed swales, sediment forebays and infiltration basins. The Single EIR provided a discussion of how the project will meet or exceed each of the applicable standards set forth in MassDEP's SMP.

Wetlands

Wetlands comprise approximately 119 acres of the 566-acre site. An Order of Resource Area Delineation (ORAD) was issued by the Rochester Conservation Commission in October 2006 that approved the wetland boundaries on site. The wetlands are primarily bordering vegetated wetlands (BVW) surrounding numerous intermittent streams and water bodies and abutting the Sippican River along the western site boundary. A potential vernal pool has been identified in the northern middle section of the site and is located away from any proposed development activities.

Approximately 4,780 of alteration to wetland areas will be required to construct the road connecting the eastern and western sections of the development. This alteration will be minimized through the use of an open bottom culvert with wingwalls, which will also serve the purpose of a turtle crossing. Some work related to stormwater management structures will be required in the 100-foot buffer zone to BVW. The proponent will provide a wetland replication area at a ratio of 1:1 to mitigate for impacts to BVWs. A detailed wetland replication plan was submitted as an appendix to the Single EIR. The Proponent has received an Order of Conditions (OOC) from the Rochester Conservation Commission for the project.

Because the project involves the filling of BVW to create a real estate subdivision, a 401 Water Quality Certificate would normally be required. The Proponent states in the Single EIR that it intends to prepare a deed restriction disallowing additional wetland impacts that will be recorded with all lots created by the subdivision. The OOC issued on August 13, 2007 requires a deed restriction limiting the amount of fill to the one-time driveway crossing at 4,780 sf. Because the deed restriction will keep wetland impacts under 5,000 sf for the entire site, and as long as the deed restriction is recorded and a copy is submitted to the Rochester Conservation Commission and MassDEP, a 401 Water Quality Certificate will not be required per 314 CMR 9.04(3).

Rare Species

A Wildlife Habitat Assessment was completed for the site by Sanford Ecological Services (SES) in October 2006 and approved by the Rochester Conservation Commission in January 2007. Approximately 460 acres of the site has been deemed appropriate habitat for the Eastern Box Turtle. NHESP has determined that the proposed project constitutes a probable "take" of the Eastern Box Turtle. The full Conservation and Management Permit Application for the project was submitted as an appendix to the Single EIR.

As a result of extensive consultation with NHESP, the proponent has developed an Eastern Box Turtle Conservation Plan that will include the following mitigation:

- A permanent Conservation Restriction or other legally enforceable instrument will be placed on approximately 400 acres of the site providing habitat for the Eastern Box Turtle;
The Proponent will implement a comprehensive isolation scheme including a combination of permanent and temporary structures such as turtle fencing, configured culverts and other passage structures, haybales and silt fencing;
The Proponent will install traffic-calming measures and signage to reduce the threat of road mortality;
- The Proponent will fund sample collection and analysis for eastern box turtles at the site that will be analyzed for reptilian iridovirus, a pathogen recently documented in Southeastern Massachusetts Eastern Box Turtles;
- In June and August of 2007 the Proponent facilitated a pre-isolation animal identification and radio-telemetry program that will facilitate monitoring and GIS habitat mapping of a subset of the local Eastern Box Turtle population; and,
- The Proponent will fund long-term monitoring and protection of the Eastern Box Turtle, including radio-telemetry, GIS habitat mapping, nesting surveys and nest protection.

In response to comments from NHESP on the EENF, the Proponent provided more information on the proposed Conservation Restriction. The CR parcel will be 400 +/- acres total, consisting of 237 +/- acres of upland, 27 +/- acres of reclaimed gravel pit, 7 +/- acres of open water, 11 +/- acres of cranberry bogs, and 118 +/- acres of wetlands. The Conservation Restriction will be granted to the Farm Bureau Agricultural Preservation Corporation. The continued operation of cranberry bogs will be a condition of the CR. In addition, the terms of the CR will allow for the maintenance of marking of existing passive recreation trails, and the creation of new trails.

The Proponent should note comments from NHESP submitted on the Single EIR that detail issues that must be finalized in the final Conservation and Management Permit Application.

Wastewater

As there are no public sewers that serve the site, the Proponent intends to install individual septic systems on each lot in compliance with Title 5. As noted in the Certificate on the EENF, MEPA does not have jurisdiction over the project's wastewater impacts, as the project does not exceed any thresholds related to wastewater or require any state permits for wastewater treatment. The Proponent responded in the Single EIR to comments from the Coalition for Buzzards Bay regarding alternative treatment methods for the project's wastewater flows. The Proponent notes that by reducing the lots sizes to 40,000 sf and preserving over 70% of the site as open space, septic loading from the project will be significantly reduced from the potential full build out of the 2 acre lots. The Proponent should continue to consider alternatives such as decentralized wastewater treatment plans and community septic systems during the Board of Health approval process to minimize potential adverse impacts to the Weweantic watershed.

Sustainable Design

The Single EIR provided a summary of sustainable design measures that will be incorporated into the design of the project. The Proponent will implement the following measures:

- Smart Growth: The Preferred Flexible Development Open Space Subdivision results in minimized environmental impacts and greater protection of open space, wetlands and rare species;
Low Impact Development: The Proponent has incorporated several LID measures into the proposed stormwater management system;
- Ecological Landscaping: The Proponent will restore previously disturbed areas and install landscaping to enhance Eastern Box Turtle habitat;
Water Conservation: The Proponent has reduced the size of lots and will plant warm season grasses in the gravel pit restoration area to reduce the demand on water for irrigation; and,
- Energy Efficiency: The Proponent will offer energy efficient HVAC equipment and Energy Star rated appliances to prospective homebuyers.

Construction Period Impacts

The Single EIR included a discussion of proposed measures to avoid or eliminate construction-period impacts related to noise, air quality, wetlands, water quality and rare species. The Proponent outlined a proposed construction phasing schedule. As noted in the Certificate on the EENF, I encourage the Proponent to consider participating in MassDEP's Clean Construction Equipment Initiative consisting of an engine retrofit program and/or use of low sulfur fuel to reduce exposure to diesel exhaust fumes and particulate emissions during construction.

Mitigation

The Single EIR included Draft Section 61 Findings for use by NHESP for the Conservation and Management Permit and MassDEP if required for a 401 Water Quality Certificate. The proponent committed to the following mitigation measures in the Single EIR:

- The project will result in the permanent restriction of over 70% of the site as open space.
- The Proponent will install a stormwater management system that incorporates LID design measures and meets the standards of MassDEP's Stormwater Management Policy, the NPDES regulations, and stringent Town of Rochester regulations.
- The Proponent will implement erosion and sedimentation control measures during construction.
The Proponent will provide 4,780 sf of replicated wetlands designed and constructed in accordance with the Massachusetts Inland Wetland Replication Guidelines.

The project will be clustered to minimize impacts to wetlands and to create a substantial "wildlife corridor".

- The Proponent will implement measures to avoid adverse impacts to the Eastern Box Turtle, including pre-construction surveys, an isolation plan, the installation of turtle barriers and crossings, and monitoring and oversight of construction activities in habitat areas.

Conclusion

I find the Single EIR to be adequate and am allowing the project to proceed to the state agencies for permitting. The Single EIR contained sufficient information on project alternatives, impacts, and mitigation, and provided the state permitting agencies with sufficient information to understand the environmental consequences of their permit decisions. No further MEPA review is required.

October 17, 2007

Date



Ian A. Bowles

Comments received:

10/10/2007	Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program
10/10/2007	Department of Environmental Protection, Southeast Regional Office
10/10/2007	Coalition of Buzzards Bay

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