

July 10, 2002

Secretary Bob Durand
Executive Office of Environmental Affairs
251 Causeway Street, Suite 900
Boston, MA 02114

DEIR Comment
Bay Club Golf Course/Mattapoisett
Attn: Arthur Pugsley, EOEA #12683

Dear Secretary Durand:

The Buzzards Bay Project is writing to you with comments on the Draft EIR for the Bay Club Golf Course/Mattapoisett Project, EOEA #12683. We reviewed the draft EIR to determine if the proposed project meets the goals and objectives of the Buzzards Bay Comprehensive Conservation and Management Plan for the Buzzards Bay watershed. After reviewing the document and the guidelines set forth in the ENF Certificate, we have the following comments:

Comments on the Alternatives Section

1. Wetland alternatives

Homeowners often alter wetland areas within their property boundaries. To minimize wetland alterations by homeowners, wetlands should not be part of individual houselots. As an alternative, the proponent should look at clustering the number of lots in areas without wetlands, such as lots 1-46 and 49-51. Lots with wetlands, such as 33-67 and 86-110 and lot 112 should be reduced in number and reconfigured to eliminate wetlands on the lot.

2. Alternatives analysis for riverfront area

According to the USGS map, there are at least four perennial streams on this property. A determination needs to be made as to whether or not these streams are considered riverfront areas and therefore subject to the Rivers Protection Act. No EIR should be filed until this has been determined

Comments on Project Description Section

1. Description of the proposed equestrian center

Adequate details were not provided in the Draft EIR to properly evaluate the proposed equestrian center. Based on the project description, this equestrian center will be placed in

an area where most of the vernal pools and rare species are located. Information with regards to trail location, riding rinks, manure management, stormwater management, field location, etc. must be included in the EIR

2. *Differentiation of open space within golf course, other landscaped areas, and undisturbed open space*

This information was not provided in the Draft EIR. As a further protection measure for these areas we recommend that the proponent should place Conservation Restrictions on the wetlands, golf course and riding areas.

Comments on the Wetlands Section

1. *Wetlands within houselot boundaries*

As stated above, the parcels should be subdivided to eliminate or minimize wetlands within the boundaries of individual houselots.

2. *Primary Access Road Layout*

In Section 3.4.1.1, the Draft EIR indicates that the layout of what is referred to as the "proposed primary access road" was designed to address traffic and safety concerns raised by the Planning Board and local public safety officials. To minimize the amount of wetland altered and still provide access for emergency vehicles, the road through the wetlands should be narrowed down to one way. The retaining wall designed to minimize wetland filling is commendable but would act as a barrier to animal movement through the wetland corridor. Arch culverts or bridge structures should be provided to allow for animal access through the wetland.

3. *Cart Path*

The cart path between holes 10 and 11 should be elevated and made of industrial grade open grate decking, which would facilitate light penetration to the bordering vegetated wetland (BVW).

4. *Wetland Functions*

The proponent was requested to explain the significance of each wetland area on the site to the interests enumerated in the Wetlands Protection Act. This was not included in the Draft EIR

5. *Wetland Replication*

The applicant proposes to construct four wetland areas totaling 20,900 square feet. The Draft EIR states that in these areas, "where applicable, the largest trees will be left standing, evenly distributed, throughout the replication area". The applicant should make sure that the actual replication areas equal 20,900 square feet. The square footage of land left at the existing elevation in order to save the trees should not be considered replication area.

Comments on Water and Wastewater Management

1. *Golf Course Water Usage*

The applicant should explore the possibility of using effluent from the soon to be rebuilt Marion Wastewater Treatment Plant in order to minimize the amount of water needed to support the golf course.

2. *Lawns*

To reduce the water demands in line with the Certificate for the ENF, along with amount of pesticides and fertilizers required to maintain the lawn areas, a deed restriction limiting the size of lawns in the residential areas should be required.

3. *Wastewater Usage*

This project is estimated to generate 104,000 gallons per day (gpd) wastewater, which is 20% of the current Mattapoissett sewage capacity. There are three options under consideration: 1) on-site treatment and disposal, 2) discharge of sewage to the municipal system, and 3) a combination of the two (See 2-16 Alternatives Analysis by Epsilon Associates, Inc.). The applicant should be looking at on-site treatment and disposal as the preferred alternative for the following reasons:

- a. Given the water demands for irrigation purposes, the applicant should be required to install on-site treatment to maintain water balance.
- b. Additional discharges to the Fairhaven Treatment Plant are not allowed under Chapter 73 Acts of 2002. Chapter 73 of the Acts of 2002 creates a hierarchy for sewer connections. Under the hierarchy, priority for future connections is given to projects approved at Town Meeting. With the Mattapoissett's current use of the 500,000 gpd along with the already approved future connections, the allowed allocation is exceeded and additional unapproved connections (such as this project) cannot be approved under state law.

Comments on Water Quality Section

1. *Stormwater Management Report*

A stormwater management report including the design details and calculations should be submitted with the EIR. As part of this report, the proponent should address the following:

- a. Flood control - Meeting the Department of Environmental Protection's (DEP) Stormwater Policy criteria may not adequately protect downstream landowners. These landowners currently experience flooding problems, which may be exacerbated by the development of this property. A detailed analysis of the rate and volume of water created by the land use changes on this project must be required.
- b. Volume Control - Given the groundwater demands required to maintain the golf course and lawns, the amount of groundwater recharge should be maximized or stored for irrigation purposes (again should exceed DEP Stormwater Criteria).
- c. Pollution Control – Due to the sensitive nature of the downstream resources (bathing beach and shellfish area), the proponent must meet the one-inch criteria for pollution control. In addition to the 80% TSS criteria, the stormwater basins should be designed to provide nutrient removal.

Rare Species

1. Spotted Turtles

The proponent needs to discuss the design requirements for the spotted turtles on the property.

Additional Comments

1. Town Forest/Historical Town Ways

According to the Mattapoissett Open Space Plan (dated January 1998), four ancient ways currently exist on this property. The Massachusetts Historical Commission's failure to comment on the ENF cannot be construed as a declaration that these roads are not legitimate historical town ways. One of the town ways on this site was the first road from Marion to Mattapoissett established on a Native American footpath. Old Marion Trail (in Marion referred to as "Old Indian Trail") currently provides access to the Town Forest. The construction of a private golf course and gated community on this property would destroy this access. The proposed substitution of these ancient ways by a right to access the Town Forest by foot access only abrogates the rights of the citizens of Mattapoissett to use town owned open space. Full access must be provided to the town parcel.

2. North Street Access

Pedestrian access should be provided to North Street to provide non-motorized access to the Mattapoissett Commercial District.

The Buzzards Bay Project looks forward to the EIR for this significant project. If you have any further questions please call Aria Brissette at 508-291-3625, x. 12

Sincerely

Joseph E. Costa, Ph.D.
Executive Director
Buzzards Bay Project