



Cranberry Land USA

Carver Conservation Commission

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BY ELECTRONIC MAIL

4 September 2008

Secretary Ian Bowles
MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: **MEPA Numbers 183316EF001 and 183316EF001a**
Expanded Environmental Notification Form
Request for Single Review Document for Phase A1 and A2
Request to Amend the Special Review Procedure

Project Name: ADM Tihonet Mixed Use Development: Wareham, Carver, and Plymouth
Massachusetts
Proponent: A. D. Makepeace Company
Dated: July 11, 2008

Dear Secretary Bowles:

Thank you for the opportunity to comment on the above document. On behalf of the Carver Conservation Commission, I would like to offer the following comments in various categories: general comments; comments on wetlands, rare species, and soils; open space comments; and groundwater comments.

General Comments:

1. The Cover Letter of this document states that “the SRP [Special Review Process] will provide meaningful opportunities for public review (p. 1)” of the above project. However, the proponent neglected to notify the following—in writing—of the

Public outreach meeting held on June 25, 2008: the Town of Wareham's Town Planner, Conservation Agent, Conservation Commission, Emergency Services Departments, and Department of Public Works; the Town of Plymouth's Board of Selectmen, Town Administrator, Planning Board, Conservation Agent, Conservation Commission, Emergency Services Departments, and Department of Public Works; and the Town of Carver's Board of Selectmen, Town Administrator, Planning Board, Conservation Agent, Conservation Commission, Emergency Services Departments, and Department of Public Works. There appears to be a problem with uniform notification of the Towns' officials of public outreach meetings by the proponent. Perhaps the Secretary could secure some guidelines or a uniform notification process that the proponent should follow. The idea of having the proponent fund a Citizens' Advisory Committee, as suggested during the initial MEPA filing in 2007, needs to be re-visited at this time.

2. The Cover Letter of this document also states that "the SRP will provide...alternatives analysis (p. 1)..." for the proposed project. The Secretary's Special Review Procedure Certificate states on page 3 that the proposed plan "and its alternatives" should be provided in the EENF. However, in Section 1, p. 6, no off-site alternatives are proposed even though the proponent owns property in other towns besides Wareham, Carver, and Plymouth. Section 1 also states that there are only three possible on-site alternatives for the project: a) the project as currently proposed; b) the "no-build" alternative; and c) the "maximum build" alternative. There may be many ways to propose a project and different types of projects to propose on some portion of the land owned by the A. D. Makepeace Company that are different from the proposed in size, scope, and type without these alternatives being either "land takings" or total build-out.
3. The Cover Letter also states that "development may not be undertaken in the chronological order of Phases A, B, and C (p. 2)." There is no point to saying that a project will be phased if the phases do not mean "in chronological order." While we respect the ability of the proponent to phase the project in some particular order, we hope that this will not be done haphazardly and with disregard for previous phases.
4. The Cover Letter also states that "Phase B and Phase C conceptual plans...do not represent final development plans" and have only been "developed in order to estimate the magnitude of impacts associated with development of each Phase...(p. 2)" The whole idea of approving the Special Review Procedure was to allow reviewing officials to determine the cumulative impacts of all three Phases before any of them is begun. According to the proponent's proposal, each Phase could change each time the proponent files with MEPA. Mitigations or conditions imposed under one Phase could become completely inappropriate due to the next Phase's development. It is difficult to determine whether any mitigation options will be foreclosed by approval of the current plan, or Phase A, since we do not know the specifics of the other Phases.

Wetlands, Rare Species, and Soil:*Wetlands:*

There is no way to know whether any impacts to wetlands in the project area as a whole will be significant or not since “in most cases wetland delineations have not been submitted to the respective Conservation Commissions (Section 2.1, p. 2-2).” The proponent notes that “an in-house review of the Wareham Quadrangle USGS Map (1972) and the National Wetlands Inventory on-line Wetlands Mapper...(p. 2-2)” has been conducted. An in-house review does not constitute a determination of wetlands in the project area by the Towns’ determining authorities: the respective Conservation Commissions. Having wetlands “field-verified” by one’s own experts “as part of land planning studies or previously-approved plans (p. 2-2)” does not constitute up-to-date wetland line determination and approval by the Towns. With regard to existing conditions, alternatives analyses, avoidance, minimization, or mitigation of impacts to wetlands, we are being asked by the proponent to accept all of the sections of this document that follow as correct on-the-ground conditions. But there are few facts upon which to base an assessment of impacts the project may or may not have to these resources. Perhaps it would be prudent if wetlands on the parcel were delineated now and Abbreviated Notices of Resource Area Delineations submitted to the respective Conservation Commissions so that plans for Phase B and Phase C could become less conceptual and more real. The applicant should also demonstrate how any proposed wetlands mitigation will meet the requirements of both the Wetlands Protection Act and any applicable town wetlands bylaws.

Rare Species:

The document states that “Site surveys [for rare species] have not been conducted throughout the parcel at this time (Section 2.2.2, p. 2-12).” What breeds in a wetland may over-winter in an upland. Some species currently may use what may become developed upland as a way station as they move, for example, from a nesting site to an over-wintering site, or vice versa. For other species, the upland proposed for development may be a nesting site or over-wintering site or, in some cases, *the only* nesting or over-wintering site for that species. Fragmentation of habitat for any species, but particularly for rare and endangered species, is the primary cause of population sinks and extirpations. There are 29 state-listed species and two Natural Communities known by the Natural Heritage and Endangered Species Program to be on or near the parcel.

One of these Natural Communities—the Coastal Plain Pondshore—is listed by NHESP as “**Imperiled** (BioMap and Living Waters, Core Habitats of Carver, NHESP, 2004).” The water levels in Coastal Plain Pondshores depend on groundwater levels. The Department of Environmental Protection (DEP) has virtually no restriction on the number of public drinking water supply wells permitted within a given area. Large groundwater withdrawals

will almost certainly have a deleterious effect on this **globally-rare** natural community. The other Natural Community—Pine Barrens—is made up of several different cover types that are viewed as distinct Natural Communities by the state: Scrub Oak Shrubland, Pitch Pine-Scrub Oak, and Pitch Pine-Oak Forest. Although the Pitch Pine-Oak Forest Community is listed as “Secure,” the Pitch Pine-Scrub Oak Community is listed as “**Imperiled**” and Scrub Oak Shrubland Community is listed as “**Critically Imperiled**” by NHESP (*Ibid.*). Frost bottoms, also likely occurring on the site, have cover features similar to the natural community classified by NHESP as Sandplain Heathland Community, also listed as “**Critically Imperiled** (*Ibid.*).”

Since no site surveys have been done for the entire parcel, one can only guess whether more, less, or the same number of species still inhabits the parcel and which pieces of the parcel as a whole would be most critical to these species. An on-the-ground species and Natural Communities survey of the parcel as a whole by the proponent is necessary at this point as well as a peer review by the Natural Heritage and Endangered Species Program staff of that survey, its methodology, and its conclusions.

Soils:

According to the Draft Updated Plymouth County Soil Survey Information (USDA/NRCS, 2003), the dominant soil types on the parcel are Carver Loamy Course Sand and Carver Course Sand (Section 2.3.3, p. 2.21). As noted in the document, these soils provide excellent drainage and recharge material for our Plymouth/Carver Sole Source Aquifer. Ironically, these soils also provide quick infiltration of pollutants and stormwater (Section 5.2.6, p. 5/10) if pollutants and stormwater are not carefully treated and/or managed. We do not know how pollutants and stormwater discharge will be managed on most of the parcel since we do not know what is going to be built on most of the parcel. The zoning for the Phase C portion of the parcel currently allows by right 1366 single family homes (524 in Carver, 437 in Plymouth, and 405 in Wareham), 380 condominiums (all in Carver), and 110 apartments (all in Carver). We are told that Phase C will also require zoning changes in both Wareham and Carver (Section 5.1, p. 5-1), although we are not told what these changes will be. If the proposed zoning changes allow for double or triple the currently-allowed density or for uses other than those currently allowed, we do not know whether the soils—or the Plymouth/Carver Aquifer—will be able to withstand the strain. We need to know what zoning changes the proponent envisions, what the resulting densities would be, how much impervious area will be proposed, what kinds of stormwater and pollution treatment will be proposed, and what sort of mitigation will be proposed for how much Aquifer recharge area loss.

Open Space:

The proponent's proposal for "Open Space and Wildlife Corridors" within the parcel reads:

The development design will include large areas of contiguous open space and wildlife corridors. These areas will not only serve to provide for rare species habitat but will also serve to provide habitat to common wildlife known to inhabit the region (Section 5.3.2, p. 5-14).

Large contiguous areas of open space are rightly recognized by the proponent as of utmost importance since they are crucial in preventing wildlife "sinks" and extirpations. The recognition of common wildlife's importance, as well as that of rare species, is also refreshing. However, there are many different types of open space, even of contiguous open space. The Carver/Plymouth/Wareham Task Force, that was formed in order to work with A. D. Makepeace's previous development proposal and development team, developed a draft set of open space definitions in 2001 with technical support from the Southeastern Regional Planning and Economic Development District (SRPEDD). These included a general definition of Open Space as

...[L]and set aside and permanently restricted for conservation, agriculture or recreation purposes by a municipality, nonprofit conservation organization or land trust, homeowners association or individual; as is appropriate to the site, open space may include woodlands, landscaped areas, parks, walking and [horseback] riding trails, wilderness areas and similar areas, but shall not include such structures as buildings, swimming pools, tennis courts, or other impervious areas, drainage and utility easements, or surface water bodies.

The Carver/Plymouth/Wareham Task Force also defined in draft form six more specific "categories of land use which may be considered open space [that] include, but are not restricted to" the following:

- Reserve land: undisturbed upland or developable areas preserved in a largely unaltered state
- Secondary open space: those areas generally protected through regulation, including wetlands and steep slopes
- Wilderness areas: uncultivated and unimproved areas that are not readily accessible
- Active recreation land: those areas encompassing golf courses, athletic fields and other higher impact recreational activities
- Passive recreational land: those areas encompassing activities which are compatible with the natural environment and protection and preservation of wildlife habitat and other natural resources, including such uses as hiking and [horseback] riding
- Environmentally sensitive open space: any area in which plant or animal life or their

habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed by human activity or development.

Given the current EENF document, we can only imagine what the definition of open space for this project is, whether it includes any, some, or all of the above definitions, and where the “contiguous open space and wildlife corridors” will be located on the parcel. In order to assess this document and the proposed project as a whole we need to know how the concept of open space is being defined by the proponent for the project as a whole and for each Phase specifically.

Groundwater:

As mentioned frequently throughout the proponent’s document, the Plymouth/Carver Sole Source Aquifer is the “second largest aquifer in Massachusetts (Section 3.2.9, p. 3-10).” The towns of Bourne, Carver, Kingston, Middleborough, Plymouth, Plympton, and Wareham depend, in whole or in part, on this aquifer as their sole source of drinking water. As noted earlier in this comment letter, the predominant soils on the parcel provide excellent drainage and recharge material for our Aquifer. Ironically, these soils also provide quick infiltration of pollutants and stormwater (Section 5.2.6, p. 5/10) if pollutants and stormwater are not carefully treated and/or managed. We do not know how pollutants and stormwater discharge will be treated and/or managed on most of the parcel since we do not know what is going to be built on most of the parcel. Again, as mentioned earlier, it would be helpful to know what zoning changes are proposed, what the new densities will be, how much impervious area will be proposed, what kinds of stormwater and pollution treatment will be proposed, and what sort of mitigation will be proposed for how much Aquifer recharge area loss. Although the Aquifer “contains 500 billion gallons of fresh water (*Ibid.*),” we have no idea of the water withdrawal **capacity** of the Aquifer at total build-out of the towns in the Aquifer region, let alone for this project, nor do we know the potential damage to the Aquifer’s water **quality** if and when this build-out occurs.

Thank you again for the opportunity to comment. If you have any questions, please do not hesitate to contact this office.

Sincerely yours,

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