

Plymouth / Carver Aquifer Advisory Committee

Bourne Carver Kingston Middleborough Plymouth Plympton Wareham

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: 11 July, 2008

Dear Secretary Bowles:

Thank you for the opportunity to comment on the above document. On behalf of the Plymouth/Carver Aquifer Advisory Committee, I would like to offer the following comments in various categories: general comments; open space comments; and Plymouth/Carver Sole Source Aquifer comments.

General Comments:

1. The Cover Letter of the above 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, page 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.

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 in conjunction with 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 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. It would be informative in assessing this document and the proposed project as a whole to know how the concept of open space is being defined by the proponent.

Plymouth/Carver Sole Source Aquifer:

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. 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). 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 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, 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.

If the proponent is permitted to build one portion of the project without telling us as a region, up front, what kinds of smart growth development and natural resources, aquifer, and watershed protection measures the remainder of the 6000-acre project will use, the region’s effort to preserve its open space, its rural character, and the natural resources vital to the quality of life we currently enjoy will be seriously compromised. The sheer size of the total project proposed will convert an unknown portion of these 6000 acres of open space to buildings and surfaces that prevent groundwater recharge. The construction of such a project and the destruction of so much open space in our midst makes a mockery of the Commonwealth of Massachusetts’ past efforts to help the seven towns of Bourne, Carver, Kingston, Middleboro, Plympton, Plymouth, and Wareham that sit above the Plymouth/Carver aquifer to draft a regional open space plan to protect some of the remaining open space in the region for aquifer recharge and aquifer health.

The Commonwealth of Massachusetts has been trying for some years to encourage smart growth and natural resources, aquifer, and watershed protection in all its cities and towns. The towns in this region have worked laboriously, both individually and together, to implement federal, state, and local guidelines as well as mandates to protect our natural resources and implement smart growth tools; we are beginning to see the benefits of these implementations and protections and the residents/voters are increasingly convinced of their value. Allowing one part of the proponent's project to move forward without telling us as a region, up front, what kinds of smart growth development and natural resources, aquifer, and watershed protection the remainder of the 6000-acre project will use would indicate disrespect for the seven towns that sit atop the Plymouth/Carver Aquifer.

The proponent may be aware that the state legislature has invested \$200,000 over a period of two fiscal years (FY 2007 and FY 2008) to address issues surrounding the Plymouth/Carver Aquifer and to support the efforts of the seven towns that sit over the Plymouth/Carver Aquifer to protect this Aquifer. Although the Plymouth/Carver Aquifer Advisory Committee was in existence prior to the state's financial investment, the state's involvement helped to develop a Plymouth/Carver Aquifer Action Plan and a Regional Open Space Plan during these last two fiscal years. In addition, the United States Geological Survey is conducting a study on the Plymouth/Carver Aquifer in conjunction with the Massachusetts DEP. In future filings, the proponent should describe the extent to which their plans are consistent with the Plymouth/Carver Aquifer Action Plan (2007), the Plymouth/Carver Aquifer Regional Open Space Plan (2008), and bylaw recommendations for Aquifer communities (2008). These documents are all available on SRPEDD's website at <http://www.srpedd.org> under "departments" and then under "environmental programs."

Although state funding ended in June 2008, the Plymouth Carver Aquifer Advisory Committee continues to have open meetings on the second Thursday of each month in Meeting Room 4 at the Carver Town Hall. We hope that this Extended Environmental Notification Form review process will serve as a reminder that the Plymouth/Carver Aquifer region deserves some professional assistance in reviewing such a massive proposal and that a Citizens' Advisory Committee, funded by the applicant, is still warranted. One of our biggest concerns at this point in the process is the need for communication and for the concerns of this regional committee to be addressed.

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

Sincerely yours,

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Will Sinclair, Chair, Carver Planning Board
Dan Fortier, Chair, Carver Conservation Commission
Craig Weston, Chief, Carver Fire Department
Arthur Parker, Chief, Carver Police Department
Thomas Walsh, Director, Carver Emergency Medical Services
Thomas Walsh, Director, Carver Emergency Management Agency
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