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November 13, 2023

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Lake Shore Center Phase 4
PROJECT MUNICIPALITY : Bridgewater
PROJECT WATERSHED : Taunton River
EEA NUMBER : 16558
PROJECT PROPONENT : Claremont Companies
DATE NOTICED IN MONITOR : September 25, 2023

Pursuant to the Massachusetts Environmental Policy Act (MEPA; M.G.L. c. 30, ss. 61-62L) and Section 11.08 of the MEPA regulations (301 CMR 11.00), I have reviewed the Supplemental Draft Environmental Impact Report (SDEIR) and hereby determine that it **adequately and properly** complies with MEPA and its implementing regulations. The Proponent may prepare and submit for review a Final Environmental Impact Report (FEIR). As directed by the prior Scope, the SDEIR provides further analysis to evaluate the project's impacts regarding traffic, land alteration and impervious area, greenhouse gas (GHG) emissions, adaptation and resiliency, and cultural resources. The SDEIR also discusses measures proposed to avoid or minimize impacts to the Hockomock Swamp Area of Critical Environmental Concern (ACEC), including stormwater management strategies and preservation of ±33 acres of the site.

I acknowledge the concerns raised by numerous commenters on the project, who note the long history of development on the ±168-acre site beginning with MEPA review in the early 1980s and the succession of EIRs and supplemental EIRs for various proposed project uses since that time. As stated in comments, the project has continued to be built out over phases, thereby precluding an effective review of the cumulative impacts of the entire development. Since the filing of the Draft Environmental Impact Report (DEIR), the project again has indicated that two buildings would be taken out of the development program as plans are not yet advanced enough to allow for a detailed review of impacts. The Proponent has agreed to file a Notice of Project Change (NPC) for the remaining development if and when it is

ready to proceed, and the permitting agency, Massachusetts Department of Transportation (MassDOT), concurs that further permitting will be required if development does not occur in the next seven years. Agency comments on the SDEIR indicate satisfaction with most project components, but continue to raise strong concerns, particularly with respect to the lack of mitigation commitments to reduce GHG emissions associated with new building construction. The SDEIR indicates that the Proponent sought and received a building permit prior to July 1, 2023, meaning that the updated Stretch Energy Code will not apply to the project. As indicated in the Scope, it is my expectation that the FEIR will be fully responsive to the analysis requirements outlined to address outstanding issues, and should identify all feasible measures to avoid, minimize and mitigate impacts consistent with the objectives of MEPA review. The FEIR should continue to consider ways to minimize impacts to ACEC resources, including by consulting with the Town of Bridgewater and Massachusetts Department of Environmental Protection (MassDEP) about the potential to monitor adjacent streams for pollutants that could contribute to pathogen discharge to Lake Nippenicket. I reserve the right to require a Supplemental FEIR if the FEIR is not adequately responsive to the Scope or to comments submitted on the SDEIR.

Project Description

As described in the SDEIR, Phase IV of the project represents an expansion of the existing Lakeshore Center Development (EEA#4959) on Pleasant Street (Route 104) in Bridgewater. Phase IV proposes ±385,010 square feet (sf) of new mixed-use development on Lots 1, 6, and 7 of the Lakeshore Center Development and a new parcel located on the north side of Pleasant Street adjacent to Lake Nippenicket that was not previously reviewed (Northern Lot). Uses include a one-story, ±1,800-sf café shop on Lot 1; a four-story, 225-unit 55+ residential community on Lot 6 (±307,400 sf); a five-story, 110-room hotel (±69,810 sf); and a 6,000-sf restaurant (179 seats) on the Northern Lot. The project also proposes to construct stormwater management systems, parking (547 spaces) and loading areas, utilities, lighting, and landscaping. Access will continue to be provided from the Lakeshore Center central access road from Pleasant Street (six curb cuts).

Changes to the Project Since the DEIR

Since the filing of the DEIR, Phase IV will no longer include the assisted living facility on Lot 4 and the condominiums on Lot 7. In addition, the proposed hotel will include five stories instead of four and the building footprint will decrease by ±2,785 sf (the overall gross sf will increase by 170 sf). According to the SDEIR, the Proponent currently has no plans for development of these uses and does not foresee pursuing them in at least the next five years. The Proponent will file an NPC if or when any additional future development is proposed on Lots 4 or 7.

Comparing between the ENF and DEIR, the size of the project increased by 121,040 sf, of which 107,400 sf is associated with an increase in size of the proposed 55+ residential community. As noted, 200,000 sf of assisted living space and 225,000 sf of condominiums were removed between the DEIR and SDEIR, but these spaces will be reserved for potential future development.

A comparison of the projects as described in the ENF, DEIR and SDEIR is shown in the table below:

Lot	ENF Alternative	DEIR Alternative	Change	SDEIR Alternative	Change
North	Restaurant (179 seats) 6,000 sf 64 parking spaces	Restaurant (179 seats) 6,000 sf 59 parking spaces	-5 parking spaces	Restaurant (179 seats) 6,000 sf 59 parking spaces	No change
1	Café Shop (1,800 sf) 19 parking spaces	Café Shop (1,800 sf) 19 parking spaces	No change	Café Shop (1,800 sf) 19 parking spaces	No change
4	Assisted Living (150 units) 200,000 sf 261 parking spaces	Assisted Living (150 units) 200,000 sf 249 parking spaces	-12 parking spaces	<i>Currently eliminated</i>	N/A
6	55+ Residential (225 units) 200,000 sf 314 parking spaces	55+ Residential (225 units) 307,400 sf 348 parking spaces	+107,400 sf +34 parking spaces	55+ Residential (225 units) 307,400 sf 348 parking spaces	No change
7	Hotel (102 rooms) 4 stories 56,000 sf 105 parking spaces	Hotel (106 rooms) 4 stories 69,640 sf 121 parking spaces	+4 rooms +13,640 sf +16 parking spaces	Hotel (110 rooms) 5 stories 69,810 sf 121 parking spaces	+4 rooms +170 sf +1 story
	Condominiums (160 units) 225,000 sf 320 parking spaces	Condominiums (160 units) 225,000 sf 318 parking spaces	-2 parking spaces	<i>Currently eliminated</i>	N/A
Total	688,800 sf 1,083 parking spaces	809,840 sf 1,114 parking spaces	+121,040 sf +31 parking spaces	385,010 sf 547 parking spaces	-424,830 sf -567 parking spaces

Procedural History

In October 1983, an Environmental Notification Form (ENF) was submitted for the Lakeside Corporate Center (EEA#4959), which proposed ±1,051,000 sf of mixed uses including manufacturing, office and distribution space on 155 acres of land. It required a mandatory EIR, and Draft and Final EIRs were submitted. The FEIR was determined to be adequate in a Certificate issued on September 14, 1985. The project was not constructed.

An NPC, submitted in May 1989, described the proposed Bridgewater Crossroads development at the same project site, in lieu of the Lakeside Corporate Center project. The Bridgewater Crossroads development consisted of a 925,000-sf regional shopping mall with ±285,000 sf of office space and a 150-room hotel. The Certificate on the NPC (issued on June 6, 1989) required submission of an EIR. In response to this proposal, a citizens group nominated the site and the area of Lake Nippenicket for designation as an ACEC. In January 1990, a DEIR was submitted for this project and, subsequently, the area was designated as an ACEC. On March 5, 1990, a Certificate was issued indicating that the DEIR was adequate and that the Final EIR (FEIR) would be subject to a higher standard of review based on the site’s designation as an ACEC. On July 18, 1990, a Certificate was issued that determined the FEIR to be inadequate. In December 1990, a Supplemental FEIR (SFEIR) was submitted for Bridgewater Crossroads, which by that time proposed a 550,000-sf shopping center, 135,000 sf of office/research space, and a 150-room hotel. On January 30, 1991, the SFEIR was determined to be adequate. The project was not constructed and instead was abandoned. In August 1997, a second NPC was filed for the Lakeside Corporate Center which proposed a nearly identical project as the 1983 Lakeside Corporate Center. The November 6, 1997 Certificate on the NPC required a Supplemental EIR to address significant changes proposed since 1991. The project was not constructed.

In June 1998, the Proponent submitted a third NPC, and requested a Phase I Waiver to allow

construction of a 75,000-sf office building prior to completion of MEPA review for the project as proposed in the 1997 NPC. In the July 24, 1998 Certificate on the NPC, the waiver request was denied and a Supplemental EIR was required for the entire project. A fourth NPC was submitted in January 1999 for a 1,100,000-sf project in lieu of the 1997 NPC proposal. The Certificate on this fourth NPC also required a Supplemental EIR. In June 1999, the Proponent voluntarily withdrew the project from MEPA review and in 2000 proceeded with construction of a 77,000-sf office building¹ with an on-site septic system, which did not require any Agency Actions; however, the Proponent agreed that subsequent development of the site would require MEPA review.

The Proponent filed a fifth NPC in January 2000 which proposed 1,121,776 sf of mixed-use space, including 789,940 sf of office space. The April 12, 2000 Certificate on that NPC determined that the project continued to require an EIR. A DEIR was submitted in January 2001 for the Lakeshore Corporate Center which identified three alternative development programs. The Certificate issued on February 16, 2001 indicated that the DEIR was inadequate and required filing of a Supplemental DEIR (SDEIR). The SDEIR proposed 1.177 million sf of office space, in lieu of the mixed-use development proposed in January 2000. A Certificate was issued on August 31, 2001 that determined that the SDEIR was inadequate and included a scope for a Second SDEIR (SSDEIR). In 2002, the Proponent reduced the project to 930,000 sf and eliminated an office building to avoid impacts to rare species. A Certificate issued on December 16, 2002 determined that the SSDEIR was adequate while identifying significant issues that remained to be resolved in the FEIR. The FEIR was never filed.

In May 2007, the Proponent submitted a sixth NPC for Lakeshore Center which identified acquisition of abutting parcels and proposed 686,300 sf of mixed-use development including 449,000 sf of retail/restaurant space, a hotel, and a 154,000-sf office building. The site was increased to 162.5 acres as part of the Lakeshore Center Development. On June 22, 2007, a Certificate on the NPC required a Third SDEIR. A Certificate was issued on December 17, 2008 which determined that the Third SDEIR was adequate and included a scope for the FEIR. The FEIR was determined to be inadequate in a Certificate dated March 19, 2010, which included a scope for a SFEIR.

In August 2013, the Proponent submitted a seventh NPC/SFEIR which identified phasing of the project and two components of the Lakeshore Center Project that the Proponent proposed to permit and construct. These included a 289-unit rental housing development on the Western Site (Phase I), and a 103-room Marriott Hotel (75,100 sf) on the Central Site (Phase II). Phase III and IV on the Central Site² were identified as conceptual. As described in the NPC/SFEIR, the project would use an additional 54,883 gallons of per day (gpd) of water, for a total of 107,000 gpd; would generate an additional 52,117 gpd of wastewater, for a total of 107,000 gpd; alter 58.9 acres of land; create 36.4 acres of impervious area; include 321 fewer parking spaces, for a total of 2,636 parking spaces; and generate 23,668 fewer new adt, for a total of 2,436 adt. The Certificate (September 13, 2013) on the NPC/SFEIR indicated that an NPC should be filed to analyze associated environmental impacts once more specific development plans were known, and established baseline environmental impacts from which the subsequent NPC would be assessed. Phases I and II were constructed after conclusion of the 2013 MEPA review.

¹ This 77,000-sf office building is located on Lot 2 of the ±163-acre Lakeshore Center project site.

² The Certificate on the FSEIR indicates that Phases III and IV were conceptually proposed on the Western Site; however, this ENF (2022) appears to indicate that these phases were, in fact, proposed within the Central Site. The only construction on the Western Site consists of the existing 289-unit 5-story residential building.

In December 2017, the Proponent submitted an eighth NPC (2017 NPC) which described the proposed construction of a $\pm 57,000$ -sf office building, 218 parking spaces and associated infrastructure on Lot 3 as part of Phase III on the Central Site. During MEPA review of the 2017 NPC, the Proponent disclosed its intention to construct a residential development (two buildings with 300 units) pursuant to Chapter 40B on Lot 5 of the Central Site as part of Phase III. However, the 2017 NPC did not include a description or project plans for this development. On January 19, 2018, a Certificate on the 2017 NPC required the Proponent to submit a future NPC to describe plans for the 300-unit residential development including identification of potential environmental impacts, alternatives to avoid and minimize impacts, and revised Section 61 Findings; provide an update on future development of the entire site including Lots 4, 5, 6, and 7 on the Central Site and Lot 8 on the Eastern Site; and provide a summary table of development to date and cumulative environmental impacts.

In June 2018, the Proponent submitted a ninth NPC (2018 NPC) that proposed construction of a 300-unit residential development (Viva Lakeshore) consisting of two five-story buildings on Lot 5 (1,942 vehicle trips per day and 600 parking spaces). An internal roadway, Lakeshore Center Drive, would also be extended to serve proposed residential buildings. The 2018 NPC also described conceptual plans for Lots 4, 6, 7 and 8, which consisted of two retail office buildings (65,500 sf total), a 100,000-sf office building, a 200,000-sf assisted living facility, and a 92,000-sf warehouse. As required by the Certificate on the 2018 NPC, the Proponent submitted a Draft Supplemental EIR (DSEIR) in September 2018. A Certificate on October 12, 2018 indicated that the DSEIR adequately and properly complied with MEPA and its implementing regulations and included a Scope for the Final Supplemental EIR (FSEIR), which was filed October 2018. On December 28, 2018, a Certificate determined that the FSEIR was adequate and properly complied with MEPA. The FSEIR indicated that development of Lots 4, 6 and 7 (Phase IV) was not feasible at that time and that, when development of those three lots was proposed, the Proponent would file a new ENF to initiate MEPA review. Lots 5 and 8 subsequently proceeded to construction.

The ENF reviewed in 2022 disclosed plans for Lots 4, 6 and 7 (Phase IV) on the Central Site of the project site as previously disclosed in NPC filings between 2007 and 2018. It also described an additional use on Lot 1 (coffee shop) and enlargement of the project site to include the newly acquired Northern Lot with a new proposed use on that parcel (restaurant). According to the Certificate on the 2018 FSEIR, the entire site of the Lakeshore Corporate Center, as reviewed through the 2007 to 2018 filings, totaled 162.5 acres. The site of the project activities disclosed in the ENF for Phase IV was 67.2 acres. According to the DEIR, the project site associated with Phase IV is now 68.2 acres as described in Table 2-1 (this 1-acre increase is associated with Lot 4). In addition, the DEIR indicates that the overall Lakeshore Center Development is now 167.5 acres because it was expanded in recent years in two areas. Lot 1 was increased in size to add a parking lot and the Northern Lot was acquired. According to the DEIR, prior MEPA filings excluded the ± 1.3 -acre development on Lot 1 and the ± 1.9 -acre development on the Northern Lot, both of which are included in this current filing.

As previously mentioned, the SDEIR now eliminates the assisted living facility on Lot 4 and the condominiums on Lot 7. The Proponent will file an NPC if or when any additional future development is proposed on either Lot 4 or 7. The Proponent is cautioned to limit land clearing on these lots to the minimum extent needed to facilitate the currently proposed development.

Project Site

The ±68.2-acre project site is located within the 167.5-acre Lakeshore Center Development³ off Pleasant Street (Route 104); of this area, 154.19 acres are located in Bridgewater and 9.68 acres are located in Raynham. The project site is bounded to the north by Route 104 and Lake Nippenicket, to the east by a Commonwealth of Massachusetts Salvage Inspection lot and Route 24, to the south by the Route 24 southbound to Interstate 495 (I-495) northbound ramp and a rest stop, and to the west by Route 495 and Route 104/North Main Street. Route 24 and I-495 are under the jurisdiction of the Massachusetts Department of Transportation (MassDOT). The project site was separated into three distinct areas (Western, Central (Lots 1 through 7) and Eastern (Lot 8) development sites). The existing Lakeshore Center Development comprises a mix of uses including a four-building, 289-unit residential complex and 574 associated parking spaces in the Western Site; a 96-room, four-story hotel with 103 parking spaces on Lot 1; a ±77,000 sf, three-story office building with 237 parking spaces on Lot 2; a ±65,000 sf, four-story office building with 227 parking spaces on Lot 3; a 300-unit, five-story apartment complex with 600 parking spaces on Lot 5; and a ±100,000 sf flex space warehouse with 162 parking spaces and 27 loading docks in the eastern section on Lot 8. The site is within the Planned Development District and Industrial Zoning District. Access to the site is directly via Pleasant Street or via a central driveway (Lakeshore Center Drive) forming a three-way intersection with Pleasant Street.

The ±68.2-acre project site is comprised of Lot 1 (5.3 acres), Lot 4 (9.1 acres), Lot 6 (30.3 acres), and Lot 7 (19.9 acres) within the Central Site of the original Lakeshore Center Development and a recently acquired 2.6-acre Northern Lot located on the north side of Pleasant Street adjacent to Lake Nippenicket. Lots 1 and 4 are located on the west side of Lakeshore Center Drive and Lots 6 and 7 are located on the east side of this drive. Lots 4, 6 and 7 are undeveloped and include significant areas of wetlands and forested areas.

Lake Nippenicket is a Great Pond subject to the jurisdiction of Chapter 91. Wetland resource areas onsite include Bordering Vegetated Wetlands (BVW), Bank, and Bordering Land Subject to Flooding (BLSF). According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) (Map No. 25023C0282J, effective July 17, 2012), portions of the project site are within the mapped floodplain without a base flood elevation (BFE).⁴ The entire project site is located within the Hockomock Swamp ACEC. The site is located within a Zone II of a public water supply in the Town of Raynham. The project site includes structures that are listed in the State Register of Historic Places or Inventory of Historic and Archeological Assets of the Commonwealth (Inventory) (Lots 6 and 7). The project site contained areas previously identified by the Massachusetts Division of Fisheries and Wildlife's Natural Heritage and Endangered Species Program (NHESP) as mapped *Priority* and *Estimated Habitat* for the Eastern Box Turtle; the entire project site is no longer mapped for this species. The Northern Lot contains mapped habitat for two listed species of plants.

The project site is not located within one mile of any Environmental Justice (EJ) populations, both under the EEA EJ Mapper⁵ in place prior to November 12, 2022 and after that date, when EEA

³ It is unclear how the estimate for the total project site was derived in the DEIR.

⁴ All elevations referenced in this Certificate are based on North American Vertical Datum of 1988 (NAVD88) unless otherwise specified.

⁵ The EEA EJ Mapper is available at: <https://mass-coeea.maps.arcgis.com/apps/MapSeries/index.html?appid=535e4419dc0545be980545a0ceaf9b53>.

published an updated EEA EJ Maps Viewer (“*Updated 2020 Environmental Justice Block Groups*” tab).⁶ Two EJ populations are within five miles of the project site (±4.5 miles, respectively) and are characterized by Minority and Income. The project is not expected to generate 150 diesel truck trips per day; therefore, a 5-mile radius was not considered. Because the “designated geographic area” (DGA) for the project is 1 mile, and no EJ populations are present within that DGA, the project was not required to comply with new EJ protocols that went into effect on January 1, 2022.

Environmental Impacts and Mitigation

The SDEIR provides a comparison of impacts estimated in the DEIR and those associated with the project as described in the SDEIR in Table 1-1 below (the project site acreage has not changed as erroneously indicated in the first row):

Table 1-1 Summary of Project Change Parameters and Impacts

Summary of Project Size & Environmental Impacts	Previously reviewed in the DEIR	Net Change	Currently Proposed for the SDEIR
LAND			
Total site acreage	68.2	-10.1	58.1
Acres of land altered	27.85	-9.49	18.36
Acres of impervious area	12.74	-5.43	7.31
Square feet of bordering vegetated wetlands alteration	0	0	0
Square feet of other wetland alteration	0	0	0
Acres of non-water dependent use of tidelands or waterways	0	0	0
STRUCTURES			
Gross square footage	809,840	-424,830	385,010
Number of housing units	535	-310	225
Maximum height (in feet)	80	-23	57
TRANSPORTATION			
Vehicle trips per day ⁶	4,296	+32	4,328
Parking spaces	1,114	-567	547
Proposed Parking Spaces to be Banked	260	-160	100
WATER/WASTEWATER			
Gallons/day (GPD) of water use	158,280	-72,180	86,100
GPD water withdrawal ⁷	39,000	-11,262	27,738
GPD wastewater generation/ treatment	126,625	-57,260	69,365
Length of water/sewer mains (in miles)	0	0	0

⁶ This value is based on the Future Build alternative (beyond a five-year horizon) requested by MassDOT to evaluate potential mitigation requirements. It is not currently planned for development.

⁷ Average amount during period of May to August. The DEIR indicated this estimate as 35,000 gpd.

GHG emissions and other air pollutants are associated with the burning of fossil fuels for onsite

⁶ “Environmental Justice Population” is defined in M.G.L. c. 30, § 62 under four categories: Minority, Income, English Isolation, and a combined category of Minority and Income.

energy use and for vehicle trips generated by the project. Phase IV will alter ± 5.93 acres of buffer zone to BVW and 16,722 cubic feet (cf) (± 620 cubic yards (cy)) of BLSF.

Measures to avoid, minimize and mitigate Damage to the Environment include avoiding direct impacts to BVW; placement of ± 33 acres of the site in a Conservation Restriction (CR) leaving ± 35.7 acres of the site undeveloped; donation of \$25,000 to the Town of Bridgewater Tree Warden; providing compensatory storage for the loss of flood storage; banking of 100 of the proposed 547 parking spaces to reduce 0.37 acres of impervious area; implementation of pedestrian accommodations; implementation of signage and pavement markings and relocating a STOP-sign at the Lakeside Drive/Fruit Street approaches to Pleasant Street; construction and maintenance of stormwater management systems; and construction period best management practices (BMPs).

Jurisdiction and Permitting

The project is subject to the preparation of a Mandatory EIR pursuant to 301 CMR 11.03(1)(a)(2), 11.03(6)(a)(6), and 11.03(6)(b)(7) because it requires Agency Action and will create ten or more acres of impervious area, generate 3,000 or more new adt on roadways providing access to a single location, and construct 1,000 or more new parking spaces at a single location. The project also exceeds the ENF thresholds under 301 CMR 11.03(1)(b)(1) for direct alteration of 25 or more acres of land; 301 CMR 11.03(5)(b)(4)(a) for new discharge or expansion in discharge to a sewer system of 100,000 gpd of sewage; and 301 CMR 11.03(11)(b) for any project within a designated ACEC.⁷ The project requires an Access Permit from MassDOT and review from the Massachusetts Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program (NHESP). The project is subject to review under the May 2010 MEPA GHG Emissions Policy and Protocol (GHG Policy).

The project requires an Order of Conditions from the Bridgewater Conservation Commission (and, on appeal only, a Superseding Order of Conditions from the Massachusetts Department of Environmental Protection (MassDEP)), review by the Massachusetts Historical Commission (MHC) pursuant to M.G.L. c. 9, §§ 26-27C (and implementing regulations at 950 CMR 71.00) and a National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) from the U.S. Environmental Protection Agency (EPA). The project also requires numerous permits and zoning amendments/variances from local boards and commissions including the Bridgewater Town Council, Bridgewater Zoning Board of Appeals, and Bridgewater Planning Board.

Because the project is not seeking Financial Assistance from an Agency, MEPA jurisdiction extends to those aspects of the project that are within the subject matter of any required or potentially required Agency Actions and that may cause Damage to the Environment, as defined in the MEPA regulations.

Review of the SDEIR

The SDEIR provides a description of existing and proposed site conditions and programming for Lots 1 and 6, the Northern Parcel and portions of Lot 7. It identifies changes to the project since the filing of the DEIR, provides an assessment of impacts and identifies mitigation measures. It identifies

⁷ According to the ENF, the Proponent has entered into a Memorandum of Agreement (MOA) with MHC that has been the subject of public notice and comment; therefore, the ENF threshold at 301 CMR 11.03(10)(b) is not applicable.

and describes state, federal and local permitting and review requirements associated with the project and provides an update on the status of each of these pending actions. It includes a description and analysis of applicable statutory and regulatory standards and requirements, and a discussion of the project's consistency with those standards. It includes site plans for existing and post-development conditions, which identify project elements such as buildings, access roads, stormwater and utility infrastructure, and wetland resource areas and buffer zones.

The Proponent submitted supplemental information on November 6, 2023 to clarify information presented in the SDEIR. For purposes of clarity, all supplemental materials are included in references to the "SDEIR" unless otherwise referenced.

Traffic and Transportation

The project requires a Vehicular Access Permit from MassDOT as the project site abuts I-495 and Route 24 and project development is anticipated to result in significant impacts on Route 24, a state jurisdictional roadway. The SDEIR includes a revised Transportation Impact Assessment (TIA) prepared in accordance with the current MassDOT/EOEEA TIA Guidelines and revised Draft Section 61 Finding outlining the mitigation measures the Proponent has committed to implementing for the project. The Transportation Demand Management (TDM) program and Traffic Monitoring Program (TMP) remain the same as outlined in the DEIR. The TIA includes an assessment of the transportation impacts of the project as well as intersection operations, safety, and bicycle, pedestrian, and transit modes. According to MassDOT comments, the TIA conforms to the scope described in the DEIR Certificate and is generally responsive to MassDOT comments. MassDOT comments on the SDEIR identify remaining issues which should be addressed in the FEIR.

Trip Generation

The TIA was required to demonstrate that the credits for pass-by trips do not go beyond 15% of the nearby street traffic volume during peak hours for consistency with the Institute of Traffic Engineers (ITE) *Trip Generation Manual* and TIA Guidelines. The SDEIR notes the maximum percentage of pass by trips over adjacent street traffic is $\pm 9\%$.

In April 2022, the Proponent conducted traffic counts to determine the traffic volume on the Lakeshore Center site, specifically related to the warehouse on Lot 8. According to MassDOT comments on the DEIR, these counts revealed very low trip numbers and the Proponent was required to assess whether the warehouse was fully operational during that time and adjust their analysis accordingly. In November 2022, the Proponent conducted additional turning movement counts on Fruit Street during weekday peak hours to supplement the April 2022 data. These new counts also showed low traffic entering and exiting Fruit Street. Since the warehouse on Fruit Street was not fully occupied in November 2022, trip generation for the warehouse was estimated based on land use code (LUC) 150 from the ITE Trip Generation Manual to reflect a fully operational warehouse. The estimated traffic generation, previously approved for the warehouse by MassDOT, was then distributed across the study area roads for analysis of the 2022 Existing condition.

Safety

The TIA notes that the intersection of Pleasant Street/Lakeside Drive/Fruit Street has a higher rate of crashes than the District 5 average for unsignalized intersections (0.82 per million vehicles). In consultation with MassDOT District 5, the Proponent commits to implementing warning signage on Pleasant Street, re-stripe the stop bar on Lakeside Drive, relocate the stop sign on Lakeside Drive, add a stop sign and stop bar on Fruit Street, and trim vegetation at the intersection to enhance visibility. The FEIR should address additional recommendations from MassDOT as described in the Scope.

Traffic Operations

The project plans to introduce six additional entrances onto Route 104, in addition to the current organized driveway serving the Lakeshore Center. While this section of Route 104 is not under MassDOT jurisdiction, the Proponent is expected to consider access management options that would reduce the number of curb cuts and their resulting traffic effects within the study area. Accordingly, the Proponent should consider eliminating the eastern cafe driveway on Route 104 and providing an internal access between the cafe and the rest of Lakeshore Center. The shared access would remove what would otherwise be internal capture trips from Route 104.

The previously proposed access point linking Route 104 via Old Pleasant Street has been altered to function solely as an emergency access driveway. This adjustment reduces the number of newly proposed access points along Route 104. The Proponent should be aware that this access point is proposed on property owned by MassDOT currently used as a Park and Ride. If approved, the proposed driveway will be restricted to emergency purposes only. All general traffic will be required to access the hotel facility via Lakeshore Center Drive.

Transit Operations

The project site is not presently served by area transit operated by the Greater Attleboro Taunton Regional Transit Authority (GATRA) or the Brockton Area Transit (BAT) services. The TIA summarizes ongoing discussions held by the Proponent with both authorities to identify potential expansions of transit service to the project site but does not identify a commitment to the expansion of transit service to the project site. According to the SDEIR, due to project changes there may not be sufficient demand for fixed route service specifically to service the site. However, both GATRA and BAT are open to future connection. The Route 104 corridor is a potential candidate for a bus route connecting Brockton and Taunton, with Lakeshore Center as a possible stop. Project site plans include provisions ensuring bus navigability, adjusting the park-and-ride area, and creating a waiting area if the transit connection becomes a reality. Additionally, a covered pickup and drop-off area for the 55+ residential building is proposed. The Proponent commits to annual check-ins with BAT, GATRA, and the Town of Bridgewater to explore future transit expansion possibilities and support.

Parking

The SDEIR does not describe further reduction of site parking spaces. Contrary to what is stated in the SDEIR, hotel parking has remained the same as that proposed in the DEIR (121 spaces) and has increased from that proposed in the ENF (105 spaces) without an explanation. Appendix E identifies the

hotel proposing 138 parking spaces. This should be explained and clarified in the FEIR. The TIA does not explain the methodology used to determine the total parking required nor does it review the ITE *Parking Generation Manual* (5th Edition).

It is unclear exactly how many electric vehicle (EV) charging stations and EV-ready spaces will be provided. The SDEIR identifies a commitment to include 36 electric vehicle (EV) charging stations in the draft Section 61 Findings; however, Chapter 8 of the SDEIR states that the hotel will include eight EV-charging spaces with 20% of hotel parking spaces EV-ready, and 55+ residential community will include 10 EV-charging spaces with 20% of the multifamily spaces EV-ready. The final commitment to EV spaces should be clarified in the FEIR.

Land Alteration, Open Space, and ACEC

As previously mentioned, the entirety of the project site is located within the Hockomock Swamp ACEC. The Hockomock Swamp ACEC designation document, dated February 10, 1990, described wetland resource areas included in the ACEC as significant to the protection of groundwater supply and public and private water supplies, the prevention of pollution, flood control, the prevention of storm damage, the protection of fisheries, and the protection of wildlife habitat. The Hockomock Swamp is the largest vegetated freshwater wetland area in Massachusetts. Further description of the extensive system of surface waters, wetlands, floodplains, and high-yield aquifers included in the Hockomock Swamp ACEC includes Lake Nippenicket as one of these resources. The entirety of the project site is also mapped as a Zone II Approved Wellhead Protection Area by MassDEP.

The SDEIR clarifies the total area of the Lake Shore Center project site (167.5 acres), and the amount of undisturbed area on the project site, land alteration proposed, and impervious area creation proposed. Phase IV encompasses 68.2 acres of the larger project site. The project will alter ±18.4 acres, create ±7.31 acres of impervious area, and ±35.7 acres will remain undeveloped. Supplemental information clarifies that there will be no clearing on Lot 4 and limited clearing and grading is proposed on the portion of Lot 7 that will remain “undeveloped”. Proposed clearing in the 200-foot-wide strip adjacent to Pleasant Street on Lot 7 will include a limited number of trees. Other portions on Lot 7 will be cleared and graded in connection with construction of the driveway and utility connections to the hotel and to direct drainage toward the stormwater basin in the southwest portion of Lot 7.

Table 3-2 summarizes the proposed land alteration for the project by site feature and development lot.

Table 3-2 Land Alteration Summary

Site Feature	Lot 1: Area (ac)	Lot 6: Area (ac)	Lot 7: Area (ac)	Northern Lot (ac)	Total Area (ac)
Total Land Area	1.3¹	30.3	19.9	2.6	54.11
Total Amount of Land Altered	0.8	8.0	8.41	1.15	18.36
Building	0.04	1.80	0.32	0.14	2.3
Parking and other paved areas	0.33	2.2	1.78	0.70	5.01

Above Ground Stormwater Features	0.19	1.0	0.52	0	1.71
Landscaping	0.24	3.0	5.79	0.31	9.34
Area Remaining Undeveloped	0.5	22.3	11.49	1.45	35.74

¹ For the purposes of analyzing the proposed land alteration amount, the total area for this redevelopment portion is 1.3 acres. Lot 1 also contains an existing hotel building and, therefore, is excluded from this specific analysis. As noted in Table 3-1, the total land area for Lot 1 is 5.3 acres, including both the existing hotel and proposed café shop.

The project proposes development of previously undisturbed areas on Lot 6, Lot 7, and the Northern Lot (Lot 1 does not contain any undisturbed areas). Table 3-3 summarizes the type and amount of alteration in these areas. The project will convert ± 6.51 of previously undisturbed area to impervious (buildings, parking and other paved areas). The SDEIR includes site plans that locate and delineate areas proposed for development and those to be left undisturbed. The SDEIR estimates that the project will clear a total of 14.11 acres of trees (Lot 1 – 0.02 acres; Lot 6 – 7.13 acres; Lot 7 – 6.4 acres; Northern Lot – 0.56 acres). Figures 3-6 through 3-9 provide conceptual plans of where fill will be placed on each lot and Table 3-6 presents a summary of the cut and fill for regrading.

The SDEIR identifies a commitment to preserve the 33 acres of open space identified in Table 3-4 and Figure 3-8 of the DEIR under a CR to ensure their permanent protection and identifies this commitment in draft Section 61 Findings. This deed restriction under C.184, §§23-30 will be a 30-year open space protection restriction with a re-recording provision of additional 20-year increments. The Proponent will donate \$25,000 to the Town of Bridgewater Tree Warden for the placement of trees on the Lakeshore Center development or other suitable areas in Bridgewater designated by the Tree Warden following consultation with the Planning Board and Conservation Commission. Banking 100 parking spaces will reduce impervious area by 0.37 acres. Increasing the height of the hotel on Lot 7 from four to five stories allowed for the building footprint to be reduced by 2,785 sf. Retaining walls are planned on Lots 1, 7, and the Northern Lot to limit the Project footprint and avoid encroachment into the 25-foot buffer zone. The SDEIR indicates that above-ground and below-ground parking garages are infeasible based on the location of the project site.

Wetlands and Stormwater

The Bridgewater Conservation Commission will review the project for its consistency with the Wetlands Protection Act (WPA), Wetlands Regulations (310 CMR 10.00) and associated performance standards including stormwater management standards (SMS) and local bylaws.

According to the SDEIR, proposed development on each of the individual lots will include tree clearing, grading, and buildings within 5.93 acres of the 100-foot buffer zone to BVW. All proposed work within the 100-foot buffer zone will occur in the outer 75 feet, outside of the local 25-foot “no activity” buffer around BVW as required by local bylaws. Areas adjacent to the no activity buffer will be graded and used primarily for drainage basins that will be designed to meet MassDEP Stormwater Management Regulations. Some of the area within the 25 to 50-foot buffer will include parking and drainage. No building construction is proposed closer than 50 feet to the wetland resource areas as required by Bridgewater Zoning. The SDEIR notes that development on Lot 7 has also been moved further from the wetlands than was previously proposed in the DEIR. Impacts to the 100-foot buffer zone on each of the development lots are summarized in Table 4-1.

Table 4-1 Land Disturbance in 100-foot buffer

Site Feature	Lot 1: Area (ac)	Lot 6: Area (ac)	Lot 7: Area (ac)	Northern Lot (ac)	Total Area (ac)
Total Land Area Within the 100-foot Buffer Zone to BVW	0.83	4.6	2.9	2.6	10.93
Building	0.03	0	0.02	0.16	0.21
Parking and other paved areas	0.3	1.16	0.3	0.5	2.26
Above Ground Stormwater Features	0.1	1.92	1.44	0	3.46
Undeveloped Areas Remaining within the 100-foot Buffer Zone	0.4	1.52	1.14	1.94	5.0

According to the SDEIR, during development of the Axis Apartments on the western section of Lakeshore Center, an evaluation of the flood plain was done and FEMA determined the BFE as 62.6 feet for the Zone AE areas south of Lake Nippenicket. FEMA issued a Letter of Map Amendment (LOMA) dated August 20, 2013 (Appendix B). All work will be constructed using elevation 62.6 feet as the limit of the 100-year flood plain. Figures 4-1 through 4-41 show an overlay of the flood plain limit in relationship to the overall project site and in more detail for each applicable parcel (Lots 1, 7, and the Northern Lot). All proposed buildings will be constructed with the first-floor elevations a minimum of four feet above the BFE as further described below. A small portion of Lot 1 and the Northern Parcel will require grade changes for which compensatory storage will be provided in compliance with the WPA Regulations at 310 CMR 10.57(4)(a)1-3, including the requirement to provide compensation on a foot-by-foot basis. The project will remove a total of 16,722 cf (± 620 cy) of flood storage and provide 16,876 cf of compensatory storage. Figures 4-5 and 4-6 show the boundaries of BLSF in relation to the proposed conditions and the proposed location of the compensatory storage area on Lot 1 and the Northern Lot, respectively.

All areas that are not to be occupied by buildings, parking, access drives, sidewalks, etc. will be fully landscaped with lawn areas and mulched beds with shrubs, trees, and perennial flowers. The Proponent proposes a landscaping plan for Lot 7 that will include ± 119 trees, consisting of 52 shade trees, 43 evergreen trees, and 24 flowering trees. Proposed open drainage basins do not allow for planting within the active flood storage zones, but some tree planting can be accommodated along the basin berms. Although detailed landscape plans have not yet been developed for the other development lots (Lots 1, 6, and Northern Lot), the Proponent is committed to providing a planting/landscaping plan that will be similar in size and character to that proposed on Lot 7. The Proponent will place CRs on ± 2 acres of Lot 1, 22 acres on Lot 6, and 9 acres on Lot 7 (for a total of ± 33 acres). The CR will include wetland resource areas as well as the 25 foot no-activity buffer zone of the wetlands. This deed restriction under C.184, §§23-30 will be a 30-year open space protection restriction with a re-recording provision of additional 20-year increments.

According to the SDEIR, the ability to use LID techniques such as rain gardens is somewhat limited by the project’s location within the aquifer area for the Town of Raynham which requires higher treatment volumes prior to infiltration in this sensitive environmental area. Treatment of potential pollutants such as sediments, nutrients, metals, and pathogens will be accomplished using sediment removal technologies and forebays. The SDEIR does not identify use of LID techniques in combination with BMPs currently proposed as part of stormwater management systems. LID strategies such as rain

gardens, tree box filters and bioretention areas will be considered during the detailed site design process. The SDEIR identifies the systems consistency with the SMS and notes how the project will comply with requirements relative to stormwater discharge to a Zone II water supply area (Standard 6 – Critical Areas). A water quality volume of 1-inch of rainfall is included in the design and 63% total suspended solids (TSS) removal rate is provided prior to discharge to the infiltration basins. Proposed sediment forebays and infiltration basins bring the total TSS removal rate to 93%.

The current design for the stormwater management systems is based on the current 100-year annual storm event value of 7.7 inches pursuant to NOAA Atlas 14. To adapt to more frequent and intense storms, the Proponent has designed the stormwater management system to accommodate the 24-hour, 100-year storm as well as the peak flows in a 24-hour storm in a 25-year storm in the year 2070 (8.3 inches of precipitation). The Town of Bridgewater requires all drainage systems to mitigate stormwater runoff to achieve a 90% reduction in both volume and rate of runoff from the developed site. This higher design standard provides for greater protection and capability of the stormwater system to handle larger storms that may result due to climate change. Supplemental information provides figures showing the location of where the system could be expanded on each of the currently proposed development lots to accommodate the 10-inch rain event. The Stormwater Report for each lot is included in Appendix C. The SDEIR includes plans showing the location of BMPs.

Lake Nippenicket is part of the Taunton Watershed, which is subject to a Pathogen Total Maximum Daily Load (TMDL) dated June 2011.⁸ The lake itself is also identified as a Clean Water Act Section 3(d) impaired waterbody for nuisance weed growth – macrophyte non-native aquatic plant *cabomba caroliniana* (fanwort), though no numeric values are established for maximum loading.⁹ Comments from the Taunton River Watershed Alliance (TRWA) raise concerns that Lake Nippenicket has reached the limit of its “assimilative capacity” to absorb more pollutants and strongly suggests that the Proponent engage in monitoring of streams adjacent to the project site to identify pollutants that could be contributing to weed growth in the lake. The Proponent has indicated that it will comply with all applicable provisions of the SMS to infiltrate and treat stormwater from the site. While the TMDL does not appear to indicate specific strategies for controlling pathogens (other than preventing illicit discharges and leaky sewer systems), I encourage the Proponent to consider the potential for monitoring to ensure protection of this wetland resource. The FEIR should discuss the potential for such monitoring, and conduct consultations with the Town and MassDEP about how such monitoring could support the Town’s compliance obligations with respect to the Taunton Watershed TMDL.

Water and Wastewater

The SDEIR explains the increase in estimates of water use and wastewater generation reported in the DEIR compared to the ENF. The estimated differences were due to slight changes in the methodology used to calculate flows, a change in the number of units planned for Lot 4 (now eliminated) and a slight change in the bedroom mix planned on Lots 6 and 7 (the condominiums on Lot 7 are now also eliminated). The change is summarized in the table below.

⁸ <https://www.mass.gov/doc/final-pathogen-tmdl-report-for-the-taunton-watershed-0/download>

⁹ <https://www.mass.gov/doc/final-massachusetts-integrated-list-of-waters-for-the-clean-water-act-2022-reporting-cycle/download>

Change in Estimated Wastewater Generation and Water Use From ENF to DEIR

	Previously Reviewed in the ENF	Net Change	Previously Reviewed in the DEIR	Percent Change
Wastewater Generation (GPD)	122,385	4,240	126,625	3.4%
Water Use (GPD)	146,862	11,418	158,280	7.7%

Prior to elimination of the buildings on Lots 4 and 7, the project would have exceeded the ENF threshold related to wastewater (301 CMR 11.03(5)(b)(4)(a) – new discharge or expansion in discharge to a sewer system of 100,000 gpd of sewage – and would have been required to provide additional mitigation to offset those impacts. As described in the SDEIR, the table below presents the current expected water use and wastewater generation.

Location	Use	Wastewater Generation (GPD)	Water Use (GPD)
Lot 1	Café	1,500	1,875
Lot 6	55+ Residential Community	49,500	61,875
Lot 7	Hotel	12,100	14,520
Northern Lot	Restaurant	6,265	7,830
Total		69,365	86,100

The SDEIR notes that the Lakeshore Center Development is currently operating under its local water and sewer allocations for the entire 167.5-acre Lakeshore Property. Mitigation will be proposed pursuant to local requirements by financing (as part of the connection fee or through an agreement with the Town) or completing physical system improvements. As part of the local review process for each of the development lots, the Proponent will work with the Town of Bridgewater to identify and reduce flows to the municipal treatment system. The DEIR noted that the Town requires either a 3:1 reduction in infiltration and inflow (I/I) or a cash contribution, as part of their connection fee process, to allow the Town to reduce I/I elsewhere in the municipal system. The Proponent expects to make the required financial contribution for I/I mitigation for the project. The SDEIR does not provide specificity regarding mitigation but notes that local requirements will be specified in the Section 61 Findings attached to any State Permit for the project.

According to MassDEP comments on the DEIR, the Town has the capacity to provide the requested volume for the project based on its renewed Water Management Act (WMA) permit issued on January 5, 2021 and its recent water use.

The SDEIR describes the new water withdrawal associated with irrigation wells. It states that the project will withdraw ±27,738 gpd of water from the on-site irrigation wells based on an estimated 0.6233 gallons/month of water required per square foot of landscaped area. MassDEP comments note that although the total acreage of the landscaped area is unclear, MassDEP is comfortable with the irrigation estimations due to the extensive wetlands associated with the project site.

MassDEP comments note that if the irrigation withdrawal volumes exceed 100,000 gallons for any period of three consecutive months, for a total withdrawal of not less than 9,000,000 gallons, the project will require a WMA permit for those on-site irrigation wells. The SDEIR indicates that the

project is not anticipated to require a WMA Permit.

According to the SDEIR, the Proponent has established an alternative plan to eliminate chemicals for fertilization instead of merely restricting their use. The Proponent will hire a licensed professional to confirm suspected disease or insects and submit a report noting observations of the signs and/or symptoms of disease or insects, establish thresholds which trigger a herbicide/pesticide application, and describe organic or cultural alternatives to chemical applications with strong recommendations for the use of nontoxic or less-toxic chemicals. If a chemical application is deemed necessary, the product will be chosen based on efficacy, environmental toxicity, and health risks. The application of chemicals will only be performed by a Massachusetts licensed pesticide applicator. The use of herbicides, pesticides, and fertilizers will be restricted in use in all conservation areas. The project will use on-site well pumped water for irrigation, which will be a sufficient measure to not introduce new pollutants into the site and the surrounding environment. The landscape design will include drought tolerant plant material and limit lawn space as much as possible to reduce the amount of well water needed for irrigation and pollinators.

Cultural Resources

The project will impact two significant Native American archaeological sites (Bassett Site on Lot 6 and Tomb Road Area B Site on Lot 7) that are within the area of direct effects (vegetation removal, grading, filling, etc.). Specifically, the project will involve destruction of both ancient Native American sites, which have been determined by MHC to be eligible for listing in the National Register of Historic Places. In March 2021, the Proponent signed a Memorandum of Agreement (MOA) (Attachment F of the DEIR) prepared by MHC that outlines stipulations to mitigate the “adverse effects” (36 CFR 800.5 and 950 CMR 71.05(a)) of the project on significant archaeological resources on-site. Implementation of the archaeological data recovery program on the two sites will provide compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (36 CFR 800.6) and MGL, c. 9, Sections 26-27C, as amended by Chapter 254 of the Acts of 1988 (950 CMR 71). The data recovery program has been implemented and archaeological fieldwork completed on both sites by The Public Archaeology Laboratory, Inc. (PAL). Consultation with tribes, the Massachusetts Commission on Indian Affairs (MCIA)¹⁰ and MHC resulted in development of a plan to preserve portions of the Bassett Site, and to remove and reinter a portion of the Tomb Road Area B Site. As recommended by the MHC, a Preservation Restriction Agreement will be developed by the Proponent in consultation with the MHC, the Mashpee Wampanoag Tribe, and Wampanoag Tribe of Gay Head/Aquinnah for the reinterment location. The Proponent will copy all federally recognized tribes as well as the MCIA.

According to the SDEIR, the Proponent is not able to include a copy of the alternatives analysis developed for Lots 6 and 7 in October 2020 because it contains confidential information about the archeological resources within the project site. The report determined that there was no prudent or feasible alternative to avoid archaeological sites. MHC did not refute that finding and assisted in development of proposed mitigation measures for a program of archaeological data recovery. With respect to the public notice and comment that was conducted as part of the MOA process, the SDEIR asserts that the MOA contains sensitive information on the archaeological sites and as such was circulated only to the signatories, the Proponent, MHC, MCIA, the Mashpee Wampanoag Tribe and the Wampanoag Tribe of Gay Head /Aquinnah, and PAL. As noted in MHC comments on the ENF,

¹⁰ According to the SDEIR, MCIA represents the interests of the non-federally recognized tribes in Massachusetts.

archaeological site locational information is confidential to protect fragile archaeological sites from vandalism and not available to the public (MGL c 9 ss.26A & 27C). The SDEIR indicates that some adjustments in project design and specifications have been made through consultation with the federally recognized tribes, MCIA, and the MHC that included development of a plan to preserve in place four subsurface Native American features on the Bassett Site and a plan to remove an unmarked Native American feature from the Tomb Road Area B Site and re-inter it at another location selected by the MCIA and members of the Wampanoag Tribe of Gay Head/Aquinnah Tribe and the Mashpee Wampanoag Tribe has been implemented. These plans to preserve and protect specific archaeological features were carried out under an amendment to the current MHC permit and no modifications to the MOA were necessary.

According to the SDEIR, once the final report for fieldwork is complete on the Northern Lot and reviewed by the Proponent, MHC, and the Tribes, a version will be available for the public. The SDEIR indicates that a stone masonry chamber on Lot 7 was not considered to be a potentially significant cultural resource and that MHC concurred in 1984 with the recommendation for no further archaeological investigation. The Proponent redesigned the layout of the proposed hotel development on Lot to preserve this area, which will be surrounded by fencing.

Climate Change

Adaptation and Resiliency

The output report, attached to the DEIR, generated for the project from the MA Climate Resilience Design Standards Tool (“MA Resilience Design Tool”)¹¹ recommended a planning horizon of 2070 and a return period associated with a 25-year (4% annual chance) storm event when designing the proposed buildings. This recommendation appears to be based on a “Medium” criticality assessment (based on user inputs) for proposed buildings. Based on this output report, the project has a high exposure based on the project’s location for the following climate parameters: extreme precipitation (urban and riverine flooding) and extreme heat. Much of the project site is currently located within a mapped 100-year floodplain with an uncalculated BFE (zone A) and is rated “High” risk for extreme precipitation (urban and riverine flooding) during the useful life of the project. Even if proposed work is outside of floodplain, the “High” risk rating in the Tool takes into account future climate conditions and is not limited to areas currently mapped as flood plain (based on historical rainfall projections).

The SDEIR briefly discusses the project site’s vulnerability to climate change. The project will incorporate the following measures to increase the resiliency of the site:

- all proposed buildings will be constructed with the first-floor elevations set at a minimum of four feet above the BFE (determined to be 62.6 feet by FEMA in its LOMA)
- the stormwater management system will be sized to accommodate the current 100-year storm (± 7.7 inches of precipitation) and the 25-year storm in 2070 (± 8.30 inches of precipitation)
- ± 33 acres of the site (48.4%) including wetlands will be permanently protected under a CR
- ± 119 trees will be planted on Lot 7 and an undisclosed number of trees will be planted on other development lots as well as a donation of \$25,000 to the Town of Bridgewater for

¹¹ https://resilientma.org/rmat_home/designstandards/

- additional tree planting at the discretion of the Tree Warden on-site or off-site in Bridgewater
- maximize vegetated surfaces
 - reflective roofs and high-performance building envelopes and HVAC equipment
 - native and adaptive plant materials

An analysis of peak discharge rates was completed for storms projected to occur under future climate conditions in 2070, which concluded that the proposed stormwater management system will attenuate peak flows during the 24-hour, 25-year storm in 2070 (8.30 inches of precipitation). In addition, the site benefits from the expansive wetland system and large storage capacity that Lake Nippenicket provides to handle future increases. Stormwater runoff from the project site is not expected to raise the water elevation within wetlands. Site designs have also focused on infiltration of treated stormwater to the extent possible. Where detention/infiltration basins are used to control discharge toward the wetlands, overflow spillways are provided in the berm to ensure the safe release of excess stormwater beyond the design limits of the system. According to the SDEIR, the water level within the Hockomock wetland system is largely controlled by the Arch Street Dam in West Bridgewater, which controls flows in the Town River that drains the Hockomock Swamp. Removal of boards from the outlet structure of the dam allows for an increase in the stormwater capacity within the Hockomock and Town River watershed. Supplemental information indicates that the current design of the stormwater management system allows for future upgrades to be made to adapt to climate change (10-inch rainfall event).

The SDEIR states that the proposed elevations of buildings are anticipated to be resilient to a future BFE associated with the 25-year, 50-year, and 100-year storm as of 2070. As previously stated, first-floor elevations of each building will be at least 4 feet above the current BFE (62.6 feet) as follows: the café shop on Lot 1 (± 4 feet above); the 55+ residential community on Lot 6 (± 8 feet above); the hotel on Lot 7 (± 10 feet above); and the restaurant on the Northern Lot (± 9 feet above).

Greenhouse Gas (GHG) Emissions / Stationary Sources

This project is subject to review under the GHG Policy. The SDEIR includes a GHG analysis of the project's GHG emissions that generally addresses recommendations outlined in the Massachusetts Department of Energy Resources (DOER) comment letter. The project has significant opportunities to avoid, minimize and mitigate GHG emissions, which were evaluated in the SDEIR but were not committed to. The GHG analysis does not clearly demonstrate consistency with the key objective of MEPA review, which is to document the means by which Damage to the Environment can be avoided, minimized and mitigated to the maximum extent practicable. Significant updates to the commercial stretch building energy code became effective on July 1, 2023 ("July 2023 stretch code").¹²

According to the SDEIR, the Proponent applied for the building permit for the proposed hotel prior to July 1, 2023; the baseline used for the hotel is ASHRAE 90.1-2013 Appendix G with three additional options per C406.1. DOER comments identify concerns with applying for the building permit prior to the conclusion of MEPA review and the required GHG evaluation process which preclude any design changes made during this process from being reflected in the building permit. Furthermore,

¹² The details of this code are available here:

<https://www.mass.gov/info-details/stretch-energy-code-development-2022#final-code-language-for-stretch-code-update-and-new-specialized-stretch-code->

comments note that the hotel does not meet the current July 2023 stretch code and will have “negative” GHG mitigation. DOER recommends that the building permit application be withdrawn, especially as alternatives evaluated in the SDEIR appear to provide opportunities to significantly reduce emissions, as further discussed in the Scope below.

The proposed hotel building envelope and HVAC/mechanical systems are unchanged compared to the DEIR and make extensive use of fossil fuels for heating/cooling common spaces and water heating (guest rooms will include all-electric space heating). As part of the analysis, an all-electric alternative was evaluated and compared to the proposed systems. The all-electric system includes low temperature heating-capable variable refrigerant flow (VRF) systems serving guest rooms in lieu of VTACs with backup heat and air source heat pumps (ASHPs) to supply domestic hot water production. The SDEIR states that the hotel does not qualify for the MassSave Passivehouse incentive because it does not have kitchens. The Proponent will pursue MassSave’s whole-building performance incentives instead. In addition, a low-thermal energy demand intensity (TEDI) alternative was studied in response to DOER comments. Within the low-TEDI alternative, two domestic hot water (DHW) scenarios were studied (electric resistance and central heat-pump DHW). The SDEIR states that although DOER requested a comparison model of in-unit heat pump DHW, the space and ventilation requirements of such units are prohibitive to the hotel’s programming and the hotel operator’s design standards explicitly require a central domestic hot water plant.

According to the SDEIR, the proposed hotel will achieve a 74% reduction in natural gas use and a 40% reduction in total GHG emissions (assuming 2035 GHG emissions factors) compared to the Code-compliant baseline. Proposed systems include packaged terminal heat pumps in guestrooms, a high efficiency energy recovery ventilation system for all occupied spaces, and a high-efficiency central on-demand tankless hot water system. As compared to the proposed building, the all-electric alternative demonstrates a reduction in GHG emissions by 54%, and a cost analysis was performed to assess its financial impact. According to the SDEIR, after accounting for MassSave incentives and credit for the elimination of gas piping, the all-electric alternative would increase project costs by \$1.1 million and was deemed financially infeasible. The low-TEDI alternatives also show additional GHG reductions (between 56% and 62%) and cost analyses were performed to assess their financial impact. According to the SDEIR, after accounting for MassSave incentives and credit for the elimination of gas piping, the low-TEDI, heat pump DHW and electric resistance DHW alternatives would increase costs by \$1.4 million and \$1.1 million, respectively which was deemed financially infeasible. DOER comments note the “unusual” conclusion in the SDEIR that a TEDI alternative, which by definition assumes a lower heating and cooling demand, would result in higher costs, and also note that the modeling of the TEDI scenario appears to have assumed an HVAC system that is seven times larger than required (a 127-ton system was priced while 18 tons (226 MBH) is the peak load, according to the analysis). This discrepancy should be corrected in the FEIR, and a true cost comparison provided among the alternatives studied for the proposed hotel.

The proposed 55+ residential (multifamily) building will comply with all elements of the July 2023 Stretch Energy Code update. At this time, the project anticipates following the Home Energy Rating System (HERS) 52 compliance pathway. The SDEIR describes the anticipated building envelope and HVAC/mechanical systems for the proposed multifamily building. As part of this analysis, alternate systems were evaluated and compared to the proposed systems. These alternatives include a Passivehouse compliant alternative that uses the same envelope as the HERS 52 Proposed Case, plus

high-efficiency cold climate electric heat pumps. Two iterations of this alternative were run (with either heat pump DHW or electric resistance DHW).

According to the SDEIR, the all-electric Passivehouse alternatives evaluated, using predicted emissions factors for 2035, demonstrate GHG reductions. A cost analysis was prepared to assess the financial impacts of both alternatives, which calculates that the Passivehouse with heat pump DHW and with electric resistance DHW alternatives would increase costs by \$1.1 million and \$500,000, respectively and was deemed financially infeasible. As stated in DOER comments, it may not be necessary to service water heating with heat pumps; comments therefore recommend examining sub-scenarios of Passivehouse having gas service water and electric resistance service water.

The Proponent will commit to increasing rooftop PV-readiness for the hotel and multifamily from 40% in the DEIR to the entire roof area outside of the mechanical footprint. The Proponent will increase EV commitment to eight installed EV-charging spaces and 20% of the hotel parking spaces to be constructed EV-ready, and ten installed EV-charging spaces and 20% of the multifamily spaces to be constructed EV-ready. As noted, however, these commitments should be clarified in the FEIR. In addition, the Proponent is embarking on a campus-wide EV-charging initiative, leveraging current incentive programs from National Grid.

The proposed restaurant and café will comply with all elements of the July 2023 Stretch Energy Code update. Both buildings will include all-electric heat and hot water (exclusive of possible commercial kitchen gas) and be constructed with code-compliant envelopes. Code-compliant PV and EV-readiness will be provided.

Table 8-7 presents a summary of the project GHG emissions for the Baseline and Proposed cases. The SDEIR states that the HERS studies do not calculate a baseline; therefore, the project summary includes the Hotel only. GHG emissions from the project’s stationary sources are calculated to be 144 tons per year (tpy) compared to a baseline of 162 tpy, which represents a 18-tpy reduction (11.3%). The FEIR should revise the GHG analysis in accordance with the Scope and DOER comments.

Table 8-7 Project GHG Emissions Summary

Source	Baseline Tons/year	Proposed tons/yea	Difference	Percent Change
Stationary	162	144	-18	-11.3%
Mobile	287	287	0	0%

Greenhouse Gas (GHG) Emissions / Mobile Sources

The SDEIR provides a limited response to the scope regarding mobile source GHG emissions. It does not explain why the GHG emission reduction from the TDM program cannot be quantified and incorporated into a Build with Mitigation condition (no reductions in mobile source GHG emissions associated with mitigation have been taken). The SDEIR does not explain how TDM measures will be adjusted over time.

SCOPE

General

The FEIR should follow Section 11.07 of the MEPA regulations for outline and content and provide the information and analyses required in this Scope. It should clearly demonstrate that the Proponent has sought to avoid, minimize, and mitigate Damage to the Environment to the maximum extent practicable.

Project Description and Permitting

The FEIR should describe the project and identify any changes since the filing of the SDEIR. Certain plans in the SDEIR were illegible. The FEIR should include updated site plans for existing and post-development conditions at a legible scale, which clearly identify buildings, access roads, impervious areas, wetland resource areas and buffer zones, pedestrian and bicycle accommodations, and stormwater and utility infrastructure. It should provide updated calculations of impacts in a tabular format. It should provide a comprehensive comparison of the programming described in the SDEIR for each lot and any changes proposed in the FEIR (similar to the first table in this Certificate). Similar to the information included in the 2017 NPC, the FEIR should provide a summary table of development to date and cumulative environmental impacts associated with existing uses on the 168-acre project site that has been under ownership by the Proponent since the late 1990s (i.e., land alteration, impervious area, wetlands/buffer zone, traffic, parking, water use, wastewater generation, etc.). It should identify and describe state, federal and local permitting and review requirements associated with the project and provide an update on the status of each of these pending actions. It should include a description and analysis of applicable statutory and regulatory standards and requirements, and a discussion of the project's consistency with those standards.

Among other items detailed in the Scope below, the FEIR should continue to evaluate additional design changes that would comprehensively reduce impacts within the ACEC; reduce land alteration, impervious area and parking; reduce vehicle trips; increase open space; integrate LID techniques into the proposed drainage system; and improve resiliency of the site to the effects of climate change. The FEIR should demonstrate that the project will avoid and minimize adverse effects on the natural resource values of the area and address how project planning and development can promote preservation, restoration, or enhancement of resource areas within the ACEC. I strongly encourage the Proponent to continue to explore onsite alternatives to reduce environmental impacts and features to further mitigate potential impacts and preserve open space and tree cover. I expect that the FEIR will thoroughly address the numerous thoughtful and detailed comments provided which identify concerns regarding the project's impacts and demonstrate that all reasonable and feasible measures will be taken to avoid, minimize and mitigate impacts to the ACEC.

It appears the hotel on Lot 7 is currently undergoing local permitting. The FEIR should identify the schedule for construction of Phase IV elements. As noted, two building components have been removed from Lots 4 and 7. The FEIR should report on the extent of land clearing that will occur on both lots and demonstrate that the minimum extent of clearing will take place to facilitate the currently proposed development. To the extent additional clearing or common infrastructure will be constructed

ahead of MEPA reviews of future buildout, the FEIR should provide a clear justification for why such components must be constructed ahead of a full review of impacts on both lots. The FEIR should provide a rationale for the significant increase in the square footage of the 55+ residential building on Lot 6 (by over 100,000 sf) between the ENF and SDEIR. It should estimate the increase in land alteration and impervious area associated with this increase and the Proponent should consider reducing the footprint.

The information and analyses identified in this Scope should be addressed within the main body of the FEIR and not in appendices. In general, appendices should be used only to provide raw data, such as drainage calculations, traffic counts, capacity analyses and energy modelling, and such data and analyses should be summarized with text, tables and figures within the main body of the FEIR. Information provided in appendices should be indexed with page numbers and separated by tabs, or, if provided in electronic format, include links to individual sections. Any references in the FEIR to materials provided in an appendix should include specific page numbers to facilitate review.

Transportation

The Proponent should continue consultation with the Town, BAT/GATRA and appropriate MassDOT units, including PPDU, Traffic Operations, and the District 5 Office during preparation of the FEIR. The FEIR should include any updates to the draft Section 61 Finding following further discussions with MassDOT. The revised Draft Section 61 Finding will be the basis for MassDOT to issue a final Section 61 Finding for the project.

The Proponent should investigate adding left-turn lanes at the Route 104 eastbound approach into Fruit Street and at the Route 104 westbound approach onto the Route 24 southbound ramps. The FEIR should discuss the feasibility of these improvements.

As previously mentioned, the Proponent is expected to consider access management options that would reduce the number of curb cuts and their resulting traffic effects within the study area. The FEIR should consider eliminating the eastern cafe driveway on Route 104 and providing an internal access between the cafe and the rest of Lakeshore Center. The shared access would remove what would otherwise be internal capture trips from Route 104. The adjustment to the access point linking Route 104 via Old Pleasant Street to function solely as an emergency access driveway reduces the number of newly proposed access points along Route 104. This access point is proposed on property owned by MassDOT currently used as a Park and Ride and if approved, the proposed driveway will be restricted to emergency purposes only. The FEIR should acknowledge that all general traffic will be required to access the hotel facility via Lakeshore Center Drive. The FEIR should provide justification to demonstrate that this emergency access driveway is required for Lot 7 (i.e., confirmation from the local Planning Board or Fire Department in writing). The FEIR should also justify the rationale for proposing three full-access driveways for the restaurant on the Northern Lot.

I note comments from residents which identify existing traffic concerns regarding congestion and safety along Pleasant Street. The SDEIR did not commit to additional TDM measures to demonstrate the project is reducing SOV trips to the site to the maximum extent practicable. The FEIR should identify additional TDM measures. The FEIR should clearly describe further reduction of site parking spaces and associated reduction in impervious area creation. It should maximize the number of EV spaces provided

and clarify the amount of EV charging stations and EV-ready spaces that will be proposed on the entire ±168-acre Lakeshore Center site (in a tabular format by lot).

MassDOT encourages the Proponent to work with BAT and GATRA on expanding transit services in their final mitigation plan. The Proponent should continue dialogue with BAT and GATRA and the SDEIR should provide a commitment to expanded transit service in the final mitigation program included in the project's Section 61 finding. The SDEIR should provide a summary of the outcome of these consultations. The DEIR indicated that the Proponent would consult with the Council on Aging for potential services to the elderly population of the project during local permitting; this commitment should be identified in draft Section 61 Findings.

Wetlands/Stormwater

The FEIR narrative should confirm the exact acreage and volume of flood storage that will be lost and the amount of compensatory flood storage that is proposed as the SDEIR only includes these estimates on figures. It should describe the extent to which the project will preserve existing tree canopies and plant additional trees for Lots 1, 6 and the Northern Lot, including estimates of the number of trees that will be planted on each lot, in addition to the information provided for Lot 7 in the SDEIR. The FEIR should include a detailed plan for all clearing activities on Lot 7. It should describe how trees that are not proposed to be cleared on Lot 7 and elsewhere on the project site will be marked for protection. These trees should be identified on plans. I expect the Proponent will not propose any land clearing beyond the minimum necessary for the proposed development. The FEIR should clearly demonstrate that the minimum extent of clearing will take place to facilitate the currently proposed development.

I acknowledge comments which assert that the unnamed stream from Lot 7 to Lake Nippenicket should be characterized as perennial as described on the USGS Quad instead of intermittent as identified by the Proponent. Since it is unclear at this juncture how the unnamed stream will be characterized in the WPA permitting process with the Bridgewater Conservation Commission and MassDEP, notwithstanding applicability of any exemptions at 310 CMR 10.58(6)(e), the FEIR should discuss what design changes (such as a greater setback of buildings away from the potential riverfront area) would be required to demonstrate consistency with the RFA performance standards at 310 CMR 10.58, should the unnamed stream be determined to be perennial during future permitting proceedings. The FEIR should discuss whether the Proponent will commit to such design changes now, or will choose to await resolution through future permitting proceedings. In the latter event, an NPC may be required if design changes are necessitated at a future time.

The FEIR should demonstrate that LID strategies have been incorporated into the stormwater design to the maximum extent practicable, particularly in combination with BMPs already proposed. Given the sensitive resources in the area as identified in the ACEC designation, the Proponent should make use of any opportunity to enhance stormwater management above and beyond minimally compliant measures. As previously mentioned, while the TMDL for Lake Nippenicket does not appear to indicate specific strategies for controlling pathogens (other than preventing illicit discharges and leaky sewer systems), I encourage the Proponent to consider the potential for monitoring to ensure protection of this wetland resource. The FEIR should discuss the potential for such monitoring, and conduct consultations with the Town and MassDEP about how such monitoring could support the

Town's compliance obligations with respect to the Taunton Watershed TMDL. The FEIR should report on any consultations undertaken with the Town or MassDEP related to potential monitoring of adjacent streams for pollutants that could contribute to nuisance weeds or pathogens in Lake Nippenicket. The FEIR should address comments indicating that the lake may have reached the limit of its "assimilative capacity" to handle further increases in pollutants.

The FEIR should address MassDEP comments regarding the Underground Injection Control (UIC) Program.

Drinking Water

The FEIR should confirm that a copy of the Proponent's development plans were submitted to the Raynham Center Water District to facilitate coordination with the Town of Bridgewater approval for ensuring the appropriate safeguards are in place for protecting the Town of Raynham Center Water District's groundwater source of drinking water in compliance with the MassDEP Stormwater Handbook that specifically cite Zone IIs within Standard 6 (Critical Area) of the SMS and the Drinking Water Regulation requirements as specified at 310 CMR 22.21(2)(b)(7). As previously mentioned, given the project site's location with an ACEC and Zone II, the Proponent should make use of any opportunity to enhance stormwater management above and beyond minimally compliant measures including consistency with Standard 6 (Critical Areas). The FEIR should also ensure that the Drinking Water Regulations standards/safeguards as specified in 310 CMR 22.21(2)(b)(7) for groundwater protection are also included as part of the project's development plan - in coordination with the Raynham Center Water District – with safeguards to ensure they will be implemented, in particular, an enforceable agreement to implement the described Operation and Maintenance (O&M) sections of the Stormwater Reports. O&M of the stormwater system also serves to protect Lake Nippenicket which is part of the Hockomock Swamp ACEC and an Area of Priority Habitat for Rare Species.

Water Management

The FEIR should confirm the project will follow the nonessential outdoor water use restriction requirements implemented by the Town of Bridgewater. The FEIR should confirm the project will implement the following measures as applicable: metering the irrigation water use; weekly leak detection and repair during the irrigation season; weekly sprinkler maintenance/replacement during the irrigation season; use of drought tolerant grasses and shrubs; and reuse of wastewater and/or stormwater for irrigation.

Wastewater

Draft Section 61 Findings in the FEIR should identify a commitment to appropriate I/I mitigation for this project, and not simply note the "The Proponent expects that this requirement will be specified in the Section 61 Findings attached to any State Permit for the Project."

Cultural Resources

The FEIR should provide an update of any further consultation with MHC and indicate if the MOA will be modified to reflect additional mitigation measures in consultation with MHC, the Tribes

listed above, and the MCIA.

Adaptation and Resiliency

The FEIR should identify the future BFE associated with the 25-year, 50-year and 100-year storm as of 2070. It should continue to identify opportunities to increase resilience through enhancement of the site, including retention of mature trees on-site, increased open space and permeable surfaces. It should document all efforts taken to maximize the use of LID strategies for stormwater management, including rain gardens, bioretention areas, tree box filters, water quality swales and green roofs.

Greenhouse Gas Emissions

The FEIR should include a revised GHG analysis prepared in accordance with the GHG Policy, and guidance and recommendations provided in the detailed comment letter submitted by DOER, which is incorporated in this Certificate in its entirety, and this Scope. The GHG analysis should clearly demonstrate consistency with the key objective of MEPA review, which is to document the means by which Damage to the Environment can be avoided, minimized and mitigated to the maximum extent practicable. The SDEIR should provide data and analysis and evaluation of mitigation measures identified in DOER's comment letter. To the extent certain measures are not adopted, a clear cost justification should be provided with supporting documentation as detailed in DOER comments.

As identified in DOER comments, the FEIR should provide the following information/analyses for the proposed hotel:

1. evidence that a 100% construction document set (including all architectural and mechanical drawings) along with requisite modeling submissions were provided to the town for the building permit, along with the building permit itself (if the permit is for the building itself, the building permit should be withdrawn and refilled only after all the MEPA GHG issues are settled to avoid the risk that the permitted building will not reflect a completed MEPA process and the building will not be built with all feasible measures to avoid GHG emissions)
2. analysis using the July 2023 stretch code, which contains many significant, cost-effective improvements specifically targeted at GHG emissions reduction
3. adoption of the low-TEDI scenario which will meet the current stretch code and because of its superior performance
4. revise the cost estimate as necessary to reflect a reduction in HVAC system size for the low-TEDI alternative
5. revise the cost estimate to reflect the elimination of perimeter distribution
6. revise the cost estimate as required in the low-TEDI scenario analyzed in the SDEIR which shows that the size of the HVAC system is about 7 times larger than required (a 127-ton system was priced while 18 ton (226 MBH) is the peak load)
7. cost evaluations for: (a) cost from the electric utility associated with higher electric peak today (105 vs 81 kW); (b) cost to retrofit the proposed building from gas space and water heating to electric space and water heating; (c) additional upgrade cost from the electric utility to increase service from 105 kW to 145 kW in the future to support the electric conversion

- a. costs for both (a) and (c) need to be provided by the electric utility provider and this correspondence should be included for these items as backup

DOER comments indicate that a few minor changes to window performance for the proposed multifamily, costing about \$100,000, would qualify the building for a \$633,000 MassSave incentive making a Passivehouse option much less costly than the proposed building. Comments also indicate that water heating with heat pumps may not be necessary. As recommended, the FEIR should consider the Passivehouse option with either electric resistance water heating or gas water heating because the analyses in the SDEIR already show that either option would cost less than the proposed. To the extent this alternative continues to be dismissed, a clear cost justification should be provided.

The FEIR should clarify that both the restaurant and café buildings will have electric heat pump space heating with no electric resistance and indicate whether the buildings are proposing electric resistance water heating or air source heat pump water heating. The FEIR should clarify whether above-code PV readiness will be provided for the restaurant and café. The FEIR should clarify whether above-code EV readiness and EV stations will be provided for the restaurant and café.

Mitigation/Draft Section 61 Findings

The FEIR should include a separate chapter summarizing all proposed mitigation measures including construction-period measures. This chapter should also include a comprehensive list of all commitments made by the Proponent to avoid, minimize and mitigate the impacts of the project. The filing should contain clear commitments to implement these mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation. The list of commitments should be provided in a tabular format organized by subject matter (land, traffic, water/wastewater, GHG, etc.) and identify the Agency Action or Permit associated with each category of impact. Draft Section 61 Findings should be separately included for each Agency Action to be taken on the project. The filing should clearly indicate which mitigation measures will be constructed or implemented based upon project phasing, either tying mitigation commitments to overall project square footage/phase or environmental impact thresholds, to ensure that adequate measures are in place to mitigate impacts associated with each development phase.

The FEIR should include a commitment to provide a GHG self-certification to the MEPA Office upon expansion of the terminal building signed by an appropriate professional indicating that all of the GHG mitigation measures, or equivalent measures that are designed to collectively achieve identified reductions in stationary source GHG emission and transportation-related measures, have been incorporated into the project. If equivalent measures are adopted, the project is encouraged to commit to achieving the same level of GHG emissions (i.e., “carbon footprint”) identified in the Preferred Alternative expressed as a volumetric measure (tpy) in addition to a percentage GHG reduction from Base Case. The commitment to provide this self-certification in the manner outlined above should be incorporated into the draft Section 61 Findings included in the FEIR.

Responses to Comments

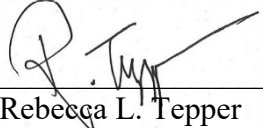
The FEIR should contain a copy of this Certificate and a copy of each comment letter received. It should include a comprehensive response to comments on the SDEIR that specifically address each

issue raised in the comment letter; references to a chapter or sections of the FEIR alone are not adequate and should only be used, with reference to specific page numbers, to support a direct response. This directive is not intended to, and shall not be construed to, enlarge the Scope of the FEIR beyond what has been expressly identified in this certificate.

Circulation

In accordance with 301 CMR 11.16, the Proponent should circulate the FEIR to each Person or Agency who commented on the ENF, DEIR and SDEIR, each Agency from which the project will seek Permits, Land Transfers or Financial Assistance, and to any other Agency or Person identified in the Scope. Pursuant to 301 CMR 11.16(5), the Proponent may circulate copies of the FEIR to commenters in a digital format (e.g., CD-ROM, USB drive) or post to an online website. However, the Proponent should make available a reasonable number of hard copies to accommodate those without convenient access to a computer to be distributed upon request on a first come, first served basis. The Proponent should send correspondence accompanying the digital copy or identifying the web address of the online version of the FEIR indicating that hard copies are available upon request, noting relevant comment deadlines, and appropriate addresses for submission of comments. A copy of the FEIR should be made available for review in the Bridgewater Public Library.

November 13, 2023
Date


Rebecca L. Tepper

Comments received:

54 comment letters including “MEPA should require the proponent to provide additional studies, data, and project alternatives that reduce environmental impacts...”

- 09/16/2023 Gary Abrams
- 10/06/2023 Russell Tripp
- 10/21/2023 Julia Blanchard
- 10/22/2023 Stephanie Simeon (second comments on 11/05/2023)
- 10/29/2023 Jean DiBattista (second comments on 10/29/2023)
- 10/30/2023 Linda Schmuck (these comments also forwarded by Paula Millet twice on 10/30/2023)
- 10/31/2023 Ethan Tran
- 10/31/2023 Jeremy Gillespie
- 11/01/2023 Lynne Nivica
- 11/01/2023 Patricia T. McEntee
- 11/01/2023 Vlad Kononchuk
- 11/01/2023 James Augenti
- 11/01/2023 Karen Lapham
- 11/01/2023 Mark Rothfuss

11/01/2023 Charlotte Cassidy
11/01/2023 Kathy Pappalardo
11/01/2023 Jess Kenney
11/01/2023 Anne Salas
11/02/2023 Denise Presley
11/02/2023 Maureen Carro
11/02/2023 Nancy Denman
11/03/2023 Linda Sachs
11/03/2023 Laura McLeod
11/03/2023 Melissa Ramondetta, Lake Nippenicket Action Focus Team (LNAFT)
11/04/2023 Sandra Fosgate
11/05/2023 Donna Hanson (second comments on 11/06/2023)
11/05/2023 Robert DiBattista
11/05/2023 Janet Hanson (duplicate comments emailed and via the comment portal on 11/05/2023)
11/06/2023 Melissa Ramondetta
11/06/2023 Gloria Bancroft, Taunton River Watershed Alliance/Taunton River Stewardship Council
11/06/2023 Mark Peterson
11/06/2023 Eileen Hiney, Bridgewater Open Space Committee
11/06/2023 Michelle Morey
11/06/2023 Patricia Neary

11/06/2023 Massachusetts Division of Fisheries and Wildlife Natural Heritage and Endangered
Species Program (NHESP)
11/07/2023 Massachusetts Department of Environmental Protection (MassDEP) –
Southeast Regional Office (SERO)
11/07/2023 Massachusetts Department of Transportation (MassDOT)
11/09/2023 Massachusetts Department of Energy Resources (DOER)

RLT/PPP/ppp

Patel, Purvi (EEA)

From: gary <ga1960boston@yahoo.com>
Sent: Saturday, September 16, 2023 8:26 AM
To: Patel, Purvi (EEA)
Subject: Lakeshore Center phase 4 Bridgewater, MA.

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Being a resident of this community I am opposed to more construction in this location for the following reasons. I live on Goodwater Way, which exits out onto Rt 104/Pleasant St. right across from the proposed expansion area.

1. Traffic.

This road is already congested, especially in the heavy traffic times during morning and evening commutes. No road improvements have been made at all, including more lighting. Adding another 225 apartments and a hotel will only make this much worse. Then add in a "Cafe" which I expect to be a Dunkin' Doughnuts, to the mix with all the morning cars going in and out and also backing up onto the 2 lane road. Then in the PM you'll have the restaurant traffic trying to get in and out of an already dangerous area very close to the off ramp of Rt 24!

2. Environmental and residential Impact.

All of the Lakeshores recent building has very much encroached onto the wetlands that were there and still are, but, much less. The town of Bridgewater and the State have allowed them to decrease that are with every new proposal they've submitted. This has impacted the wildlife that we neighbors cherish and was a big factor in buying houses around Lake Nippenicket. The turtles, Great Blue Herons, rabbits, fox, possum, and deer and many other birds and animals that have been displaced will never be able to sustain existence with more encroachments.

Also, the light pollution has increased dramatically even though the Carney company promised to use low impact lighting, that never happened.

Imagine a restaurant right on the shore of the lake, open to late hours with music and lights disturbing not only the wildlife but also the residents that want to enjoy the beauty and serenity of the Lake we knew when we purchased house to get away from just this kind of disturbance. The traffic, the noise and the road trash has already increased and will surely get much worse!

We neighbors understand that the Carney Co. is a business and therefore wants to maximize profit for their investment, but to what extent? It seems that the Town of Bridgewater and the State of Mass. have long ignored the concerns of the local residents who are impacted the most.

This next proposal seems to once again go way too far and needs to be scaled back!

Thank you for reading my concerns,
Gary Abrams
90 Goodwater Way
Bridgewater, MA. 02324

Patel, Purvi (EEA)

From: rtripp985 <rtripp985@gmail.com>
Sent: Friday, October 6, 2023 10:50 AM
To: Patel, Purvi (EEA)
Subject: My concerns are wetland protection. If this negatively impacts wetlands or allows for replacing disturbed wetlands it should not be approved. Going around wetlands protection laws by allowing wealth to just build new wetlands in place of disturbed wetl...

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The area appears to be an industrial area, but if it is going to increase heavy truck traffic in already heavy traffic areas through residential areas it should not be approved. 100 trucks per day over a 24 hour period averages out to 4 to 5 trucks per hour. Therefore if it is negatively impacting residential roads it should not be approved.

Russell Tripp

Sent from my Verizon, Samsung Galaxy smartphone

Patel, Purvi (EEA)

From: julia.blanchard@comcast.net
Sent: Saturday, October 21, 2023 6:55 PM
To: Patel, Purvi (EEA)
Subject: EEA# 16558 Lakeshore Center Phase 4 Supplemental Draft Environmental Impact Report - Comments
Attachments: Claremont MEPA letter 10-2023.pdf

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Dear Ms. Patel,

Please accept the attached comments regarding the 20th Claremont proposal for the Lakeshore Center. I'm sure there will be 20 more before we're through.

Thanks,

- Julia Blanchard
27 Bridle Rd
Bridgewater, MA 03234

Rebecca Tepper, Secretary

Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Attn: Ms. Purvi Patel, MEPA Office

Dear Committee,

I'm writing to express my deep concerns about the proposed Lakeshore Center Phase 4 project. Claremont has already had a negative impact on our quality of life in the neighborhood; I would really hate to see it get worse. Traffic has multiplied shockingly, and wildlife I used see in the area has decreased dramatically. For example, I have not seen the Great Blue Herons for about 3 years now. Here is what they want to build:

- A 1-story, approximately 1,800 GSF **café shop** on Lot 1;
- A 4-story, 225-**unit 55+ residential community** on Lot 6;
- A 4-story, 102-room **hotel**, (*they literally have a hotel practically next door!*)
- A 6,000 GSF **restaurant** on the north side of Pleasant Street adjacent to Lake Nippenicket. (*On a teeny, narrow strip of land not zoned for a restaurant, right on the Lake so they can bother all the wildlife*).

This huge project would have an incredibly bad impact on the area and our quality of life. It necessarily involves an even bigger increase in traffic on Rt. 104. It's hard enough to get out of the neighborhood now, especially for my morning commute. We live in a nice peaceful lakeside area and would hate to see it become a commercial center filled with traffic and more and more people. Noise pollution and trash around the lake area are already becoming a problem. We could not hear the highway before Claremont cut down all those trees, now it sounds like a racetrack. While the increased noise is upsetting to me, I wonder what impact it has on the local wildlife. This project would increase it even more. It's just intolerable. There were shots fired in August up at the apartments! And police and fire sirens nearly every day. This is a *farming* community.

The **environmental impact** of this large project cannot be understated. I think one could write a whole book about the impact on the aquifer but I'm not knowledgeable in that area. But it involves an Area of Critical Environment Concern, including the Hockomock swamp and Lake Nippenicket. These wetlands are fragile and should not be tampered with. Once you ruin them you can't get them back again. There are rare and endangered species in that area as well.

"The Hockomock Swamp is a vast natural and scenic area. Because of its size, it is a unique and irreplaceable wildlife habitat. It is also the location of at least **13** rare and endangered species. According to the Massachusetts Historical Commission, the archaeological sites in the vicinity of this wetland complex are known to span a period of **9000** years; the potential quality and significance of the archaeological resources are enormous. Productive agricultural lands are located on the uplands adjacent to the wetlands, brooks, and rivers."

<https://www.mass.gov/service-details/hockomock-swamp-acec>

Please look into the damage they have already caused to the water system and drainage, invasive species, wildlife reduction, traffic, crime, etc. because they make promises and don't keep them. They cut down trees they are not authorized to and don't follow through with agreements after the initial check.

Another area of concern is the **Cultural/Archaeological Resources**. I've gone over that chapter of their submission in particular and have some specific comments (in italics) regarding it:

6.2 Archaeological Sites

"The Proponent is not able to include a copy of the alternatives analysis developed for Lots 6 and 7 in October 2020 in this SDEIR because it contains **confidential** information about the archeological resources within the Project Site."

There seems to be an inordinate amount of secrecy surrounding the Archeology of the sites, so it's very difficult to know whether the appropriate steps are being taken. It's possible that since MEPA is a state entity it could obtain more information from the MHC. I recommend it do so before proceeding with the request.

6.3 Memorandum of Agreement

Why was the MOA only shared with the two federally recognized tribes, the Mashpee Wampanoag Tribe and the Wampanoag Tribe of Gay Head /Aquinnah? There are many other tribes in the area that may have interest and input as to the disposition of these "architectural features." I recommend that the Massachusetts and Narragansett tribes be invited to be part of the conversation and view the artifacts. This land originally belonged to the Titicut Reserve of the Mattakeeset - Massachusetts Tribe. One would think they would have a greater interest in these findings than a tribe on Martha's Vineyard.

6.4 Data Recovery

"This information recovery has mitigated the impacts from construction activities, effectively destroying the sites. However, a Post-Review Discovery Plan has been developed to address any unanticipated discoveries during construction."

Is Claremont relying on bulldozer operators and construction workers to discover architectural artifacts? If not, who would be making these discoveries?

"This consultation included development of a plan to preserve in place four subsurface Native American features on the Bassett Site. A plan to remove an unmarked Native American feature from the Tomb Road Area B Site and **re-inter** it at another location selected by the MCIA and..."

It appears that at least one deceased body was disinterred, based on the language. There is no mention of what the status of these bodies is, and when and where they will be re-interred. Not enough information is provided for MEPA to make a determination, surely.

6.5 Northern Lot

“ An archaeologically sensitive zone was identified in the Northern Parcel with the potential to contain unrecorded pre-contact Native American and post contact Euro-American sites. An intensive archaeological survey with subsurface testing conducted by PAL identified the Lakeshore Drive Site, an unrecorded Native American site. This site does not have sufficient integrity to be considered a potentially significant archaeological resource and **no further investigation is recommended**. The MHC has received **preliminary** memoranda on the results of the archaeological fieldwork on the sites. **It is not anticipated that additional mitigation measures**, beyond those already agreed upon with MHC and the Tribes, **will be necessary**. PAL continues to discuss the results of the completed mitigation fieldwork with interested parties. Once the final report is complete and reviewed by Claremont, the MHC, and the Tribes, a version will be available for the public.”

It appears that no further investigation will be necessary even though the report is incomplete and the MHC has only received a preliminary memo on it. This seems premature, especially since it has not been shared with more local tribes. I recommend that the site be carefully studied before such decisions are assumed. Also, a timeframe for the report is not provided. Shouldn't that be provided before approval?

6.5 Preservation Restriction Agreement

“As recommended by the MHC, a Preservation Restriction Agreement **will be developed** by Claremont in consultation with the MHC, the Mashpee Wampanoag Tribe, and Wampanoag Tribe of Gay Head /Aquinnah for the **reinterment location**.”

I recommend that MEPA should not give approval until local tribes have been informed and that proper reinterment of any deceased has been confirmed.

6.6 Underground Chamber on Lot 7

“The stone chamber was not considered to be a potentially significant cultural resource and no further archaeological investigation was recommended. In **1984**, the MHC concurred with this recommendation.”

*Since a small test pit was dug **nearly 40 years ago**, I suggest that new advances and techniques in the field of Archaeology warrant further study. This could be much older than presumed. Local folklore says it's from the Viking era.*

“Despite it lacking any archaeological significance, the Proponent has voluntarily redesigned the layout of the proposed hotel development on Lot 7 so as to preserve the area. This site will be made safe via fencing.”

Regardless of its voluntary nature, any fence erected should be added to the site plan and verified after construction to ensure compliance.

This historic stone structure on the lot should be provided a natural buffer. The current plans show significant grading around the structure and no real plan to protect it.

Existing stone walls are not noted on the site plan and should be added.

In Summary, the Town of Bridgewater cannot handle all these extra residents; water usage in particular is of huge concern. We already have to ration our water and have several issues with PFAs and superfluous minerals. This would put an undeniable strain on that as well as other town services such as schools, police, fire, etc. And the attempts to mitigate the cultural devastation on the archaeological sites are rather pathetic and secretive. What are they hiding?

I urge you to deny this request. We do not need these developments in our town to destroy our beautiful neighborhood on the Lake. Thank you for your consideration,

- Julia A. Blanchard
27 Bridle Road
Bridgewater, MA

Patel, Purvi (EEA)

From: Stephanie Simeon <straversemail@gmail.com>
Sent: Sunday, October 22, 2023 7:17 PM
To: Patel, Purvi (EEA)
Subject: Claremont concerns

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Hello,

I am very concerned about the project proposed by Claremont to construct multiple buildings off rt 104 in Bridgewater that would disrupt many acres of natural habitat, impact the diverse plant and animal species of Lake Nippenicket area, and contribute to congestion for residents.

Best and Be Well,
Stephanie

--

Stephanie (Travers) Simeon, MPH, CHES®
Pronouns: she/her/hers

Patel, Purvi (EEA)

From: Stephanie Simeon <info@email.actionnetwork.org>
Sent: Sunday, November 5, 2023 10:04 AM
To: Patel, Purvi (EEA)
Subject: Concerns about EEA #16558: Lakeshore Center Phase 4, Bridgewater MA

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Ms. Purvi Patel,

Dear Ms. Patel:

As a resident of the area, I have deep appreciation for the natural landscape and find it my duty to speak up in protection of the full ecosystem including the Lake, animals & plants. I also have immense issue with any disturbances of Native American sites as well as the demand this project would add to our water and roads.

Projects within an ACEC are subject to closer scrutiny to avoid or minimize adverse environmental impacts. Lakeshore Center Phase IV is within the Hockomock Swamp ACEC. MEPA should require the proponent to provide additional studies, data, and project alternatives that reduce environmental impacts and overall impacts to the surrounding community.

Issues of concern include:

SCALE OF DEVELOPMENT:

The proponent's revised plans that removed two building projects represent a scale of development that will not be sustainable to this environmentally sensitive area. No limits have yet been set on further development meaning that other projects could be proposed in the future.

ENVIRONMENT:

The project impacts an Area of Critical Environmental Concern, the Hockomock Swamp, including Lake Nippenicket the headwaters of the Town River (and a Great Pond) and its nearby wetlands. Fourteen acres of trees will be cleared; the projects will be stretched to the

25-foot wetland buffer zone and extensive grading will occur on some sites. This will have significant impact on the surrounding wildlife, especially from destruction of habitat, noise, air, and light pollution. Lake Nippenicket forms the headwaters of the Town River, which is one of two main tributaries that feed the Taunton River, a Wild and Scenic River. This project requires an extensive review by MEPA with the focus to avoid all adverse environmental impacts. This includes not allowing any work within the 100-foot buffer zone. Tree cutting must be minimized. No building should be allowed in flood zones. Green building practices should be employed.

HISTORIC AND ARCHAEOLOGICAL FINDINGS:

Within Lots 6 & 7 the development will impact significant archaeological sites (Bassett Site (19-PL-497) and Tomb Road, Area B Site (19-PL-498). Four subsurface Native American features will be preserved in place on the Bassett Site, however, one unmarked Native American feature from the Tomb Road Area B site will be reinterred elsewhere and this is noted to be pending. SDEIR should not be considered until this is completed. The proponent found an unrecorded Native American site on the Northern Site but then indicated no significant archaeological findings. The final report has not been completed and SDEIR should not be considered until it has been received. An underground stone chamber will be left in place, however, the area around it will be cleared of trees to make way for stormwater management and parking. This is not an acceptable solution for the preservation of the stone chamber that should be preserved in its natural wooded setting.

TRAFFIC:

The proposed development will increase traffic substantially on Route 104, increase CO2 and impact surrounding neighborhoods, commuters, and all members of the public utilizing the lake and its boat ramp. Five curb cuts are planned within a short span of road that is also impacted by exiting traffic from the Route 24 South offramp. Mitigation measures proposed are not adequate.

WATER USAGE:

The project will increase water usage and Bridgewater is already on "Restricted Water Usage". More information needs to be provided regarding Bridgewater's water needs and capacity and how the project will impact Bridgewater.

ZONE II AQUIFER:

The project is within the area of the Zone II aquifer for the Town of Raynham. Additional

information is needed as to the impacts of the previous phases of this development and any future potential impacts to this water supply.

NORTHERN STREAM:

Data supplied in the proponent's determination of the classification of the Northern Stream needs to be updated. According to the USGS Geological Survey Topographical Maps, the Northern Stream is perennial and entitled to the protections of the Rivers Protection Act.

With kind regards.

Stephanie Simeon

Stephanie Simeon

straversemail@gmail.com

80 Goodwater Way

Bridgewater , Massachusetts 02324

Patel, Purvi (EEA)

From: Jean DiBattista <jdibattista@verizon.net>
Sent: Sunday, October 29, 2023 11:44 PM
To: Patel, Purvi (EEA)
Subject: RE: Lakeshore Center Phase 4 - Supplemental Draft Environmental Impact Report - EEA # 16558 - Comments
Attachments: hock-des (1)_yellow.pdf

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Hello, Purvi:

Just one more thing, I thought I would attach the above document which outlines why the Hockomock Swamp was designated an Area of Critical Environmental Concern.

You may have already had the opportunity to review it, but just in case you haven't, I thought I would send it to you.

It does a great job outlining why this area is so critical to protect especially from over development, including but not limited to the following:

- It's importance as a current and future public water supply resource for multiple towns in Massachusetts.
- It's importance to the protection of fisheries and wildlife habitats.
- Its significance in protecting against future flooding.
- Its archaeological and historic significance.
- Its importance as a scenic area and peaceful public recreation for multiple communities and multiple activities.

The above document also says that the "importance of this area to all of the above cannot be overstated."

Thank you for your time and consideration.

Best Regards,

Jean DiBattista

From: Jean DiBattista <jdibattista@verizon.net>

Sent: Sunday, October 29, 2023 8:39 PM

To: 'purvi.patel@mass.gov' <purvi.patel@mass.gov>

Subject: Lakeshore Center Phase 4 - Supplemental Draft Environmental Impact Report - EEA # 16558 - Comments

Dear Purvi:

In summary, I remain very concerned about Claremont's proposed project(s) for the reasons which I have stated below. The additional information provided by Claremont in the above SDEIR has for the most part either NOT alleviated these concerns and/or has increased them. I have also noticed some inaccuracies in the information being provided by them in the SDEIR and/or information that has been stated in a way that does not easily allow the recipients of this document to "comprehend the full and real picture." Via meetings with the Planning Board in Bridgewater, and other diligent research performed by some of the concerned residents of Bridgewater, it has also been determined that some of their past statements were, in fact, incorrect. A key example, is their classification of some streams as intermittent which have now been determined to be perennial.

While some improvements have been made in their plans, I honestly consider those to be minimal and mainly focused on benefits to either their organization and/or in some cases, to their customers only.

I still believe the impact their proposed projects will have include very significant negative effects on the environment, local communities, nearby towns, nearby neighborhoods (such as my own) and the public's enjoyment of peaceful recreation on Lake Nippenicket. I have summarized my concerns below. In addition, for the purposes of clarity, I have also attached my response to their new response to my previous comments.

- **DENSITY OF DEVELOPMENT HAS NOT CHANGED:** Claremont has NOT reduced the entire footprint of the project, they have only agreed to "defer approval" by MEPA for 5 years for some of their proposed projects in their original submission to MEPA (specifically, the assisted living facility and proposed condominiums). This area and the surrounding neighborhoods, roads, lake, and wetlands CANNOT HANDLE this density of development. Claremont should be required to PERMANENTLY reduce their building plans for this area by putting a permanent conservation restriction on all buildings not included in THIS submission to MEPA and completely eliminating the proposed restaurant build for the many reasons outlined below.
- **WETLAND BUFFER ZONES ARE BEING VIOLATED:** Claremont is **continuing** to propose building in the **100 FEET NO BUILD** wetland buffers for all of their proposed buildings, all of which are located within the HOCKOMOCK SWAMP, which all agree is a **designated Area of Critical Environment Concern**. There is **NO PROVISION** in the Bridgewater Wetlands Protection Act that indicates you are allowed to build within the **100 FEET NO BUILD zone**. There is a provision indicating that there is a **25 FEET NO TOUCH wetland buffer Zone**, for which **NO CONSTRUCTION ACTIVITIES** can occur. **This is a 100% proposed violation of all MASSACHUSETTS and local Bridgewater wetland zoning bylaws as outlined below:**

Section 2 of the Bridgewater Wetlands Protection Law States:

Section 2 Jurisdiction Except as permitted by the Bridgewater Conservation Commission or as provided in this by-law, **no person shall remove, fill, dredge, build upon or alter the following areas:** a. Within **100 feet** of any freshwater wetland, marsh, wet meadow, bog, or swamp; b. Within **100 feet** of any bank, lake, pond, stream; c. Any land under said waters; d. **Within 100 feet** of any land subject to flooding or inundation by groundwater or surface water.

Section 7, Point G states:

For any project that involves bordering vegetated wetlands (BVW) resource filling and replication, the BCC shall consider any prior work on site that may have involved BVW filling and replication, and shall consider **the cumulative impact of all prior site activities as part of its evaluation of a project's viability.** In no case shall the BCC approve any project for which **the cumulative impact exceeds the allowable threshold, change in project proponent or property ownership notwithstanding.** The BCC shall consider wildlife habitat and nesting value of the buffer zones associated with a BVW resource where filling of the resource is proposed. Applicants are encouraged to seek alternative development options that would minimize or avoid BVW filling and replication where filling is designed to achieve the **required fifty (50) foot building setback** from a BVW boundary.

- **PROPOSED RESTAURANT:** Claremont should NOT be allowed to build a restaurant at ANY TIME directly on Lake Nippenicket. The entire restaurant is within the **100 FEET NO BUILD buffer zone**, part of the restaurant is within **50 feet of the wetlands**, and parts of the restaurant and **planned parking lot also brush directly up against the 25 FEET NO TOUCH zone.** In fact, it is highly doubtful that **no construction activity would occur inside of this CRITICAL zone** given that is the case. **This is a 100% proposed violation of all Massachusetts and local Bridgewater wetland protection zoning bylaws.**
 - The proposed restaurant area is also currently zoned **RESIDENTIAL** and is **NOT PART** of the **Planned Development District (PDD)**. It, therefore, should also require a **SPECIAL PERMIT** from the Bridgewater Planning Board.
 - **INCREASED TRAFFIC IMPACTS:** In addition, the proposed restaurant would cause significantly increased traffic, includes 3 entrances, and exits, and is directly on the lake. It would also directly interfere with the public's ability to peacefully enjoy the public boat ramp area by making it more difficult to access it by members of the public. In addition, it would bring significant noise to people trying to peacefully enjoy the sunset or other activities in the public area of the lake.
 - **FLOOD ZONE:** The majority of the restaurant is also located in a major flood zone. Please see the below flood zone comments as well.
 - **ADDITIONAL NEGATIVE EFFECTS:** In addition, this part of their restaurant proposal has the following additional negative effects:
 - Substantially increased noise, air, and light pollution;
 - Increased trash and foot traffic;
 - Negatively affects the only exit/entrance to Lakeside Drive via Fruit Street including creating additional safety issues;
 - Negatively affects the public boat ramp by making it more difficult to access by members of the public. Also, brings significant noise to people trying to peacefully enjoy the sunset or other activities in the public area of the lake.
- **PROPOSED CAFE:** The proposed Café is almost completely within the **100 feet NO BUILD zone**, part of its parking spaces and roads are **within 50 feet of the wetland**, and some parking spaces are running right up against the **25 feet NO TOUCH zone.** This proposed building is also very close to another major flood zone.

- **PROPOSED HOTEL:** Part of the proposed hotel building is within the **100 feet NO BUILD buffer zone**. Parking spaces are within 50 feet of the wetlands, and the entire project butts up right against the **25 feet NO TOUCH zone**.
- From the Mitigation Summary section, the last two items from the below table are incorrect. It is also likely the restaurant construction would also impact the 25 Feet NO TOUCH BUFFER (from bullet point #1).

Wetlands		
<p>The Project has been designed to avoid alterations to wetland resource areas and is expected to meet the following standards:</p> <ul style="list-style-type: none"> • No disturbance within 25 feet of the wetlands. • Stormwater management facilities located between 25 and 100 feet of the BVW buffer zone. • No pavement, where practical, within 75 feet of the wetlands. • No buildings within 50 feet of the wetlands. 	During construction	Part of overall construction cost

See the above comments relating to the restaurant and other buildings.

- **PERENNIAL STREAMS**– By Claremont’s own recent admission, it has now been determined by DEP that the streams that Claremont indicated originally were intermittent are actually PERENNIAL STREAMS. Claremont, therefore, should be required to meet the Bridgewater Wetlands Protection Laws rules for that aspect of their proposed projects as well. It should also be noted that perennial streams are also protected by the Massachusetts Riverland Protection Act which states: *“The Rivers Protection Act, Chapter 258 of the Acts of 1996, protects nearly 9,000 miles of Massachusetts riverbanks - helping keep water clean, preserving wildlife habitat, and controlling flooding. The law creates a **200-foot riverfront area** that extends on both sides of rivers and streams.”*

In summary, Claremont should not be allowed to continue to ignore the above 100 FEET NO BUILD buffer zones in a designated area of critical environmental concern. They should be required instead to meet the most conservative wetland buffer zone requirements and reduce their planned builds accordingly.

They could easily achieve the above objective by reducing the # of buildings/projects they are proposing, and by eliminating their restaurant proposal and replacing it with a restaurant located inside of the Lakeshore center complex.

- **ELIGIBILITY FOR WATER QUALITY CERTIFICATION PROGRAM: ELIGIBILITY FOR WATER QUALITY CERTIFICATION PROGRAM:** It should be determined if the following certification is required:

“401 Water Quality Certification Program: Under Section 401 of the federal Clean Water Act, activities proposing discharges to water bodies or wetlands require a state Water Quality Certification. MassDEP must certify that projects requiring federal permits will not violate the state's water quality standards, which include protection for wetlands. Discharges include dredging, filling, and other activities that cause the loss of wetlands, and require permits from the U.S. Army Corps of Engineers (Corps). The Corps has established a simplified permit system in Massachusetts. The regulations for the 401 Water Quality Certification Program (314 CMR 9.00) have been coordinated with the Wetlands Protection Act regulations. As a result, most projects approved by the local conservation commission under the

Wetlands Protection Act do not need further state review under the 401 Program. These projects are automatically certified when they obtain an Order of Conditions. However, some types of projects, including those with potentially large wetland impacts and those that are not subject to the Wetlands Protection Act, require a 401 application review. In these cases, MassDEP may require additional protection for wetlands where necessary to ensure compliance with the water quality standards. MassDEP's Wetlands Protection Program reviews 401 applications for wetland projects. MassDEP notifies the applicant when he or she files a Notice of Intent if the project also requires a 401 application."

FLOODING AND WATER QUALITY PROTECTION:

RESTAURANT FLOOD ZONE CONCERNS: From the flood zone maps provided, it appears that almost all of the proposed restaurant site is in a flood zone. In addition, the proponent has proposed elevating this building 9 feet above the flood zone. This leads to an obvious question, ***"How will this affect the adjacent public boat ramp and possibly even the nearby Lakeside Drive/Fruit Street entrance? Will this area become subject to more flooding due the elevation of the proposed restaurant lot?"*** In addition, given how close it is to Route 104, could it also affect that road? For the sake of the public, this issue DEFINITELY needs to be studied and addressed.

Lot 1, where the CAFÉ is proposed also appears to be in a very large flood zone.

In addition, Claremont indicated the following in Section 4.2 Floodplain:

*"Figures 4-1 through 4-41 show an overlay of the 62.6 NAVD88 (63.4NGVD29) flood plain limit in relationship to the overall Project Site and in more detail for each applicable parcel: Lot 1, 7, and the Northern Lot. All proposed buildings will be built with the first-floor elevations a minimum of four feet above the BFE. For the most part, the sites to be developed are above the BFE. A small portion of Lot 1 and the Northern Parcel will require **slight grade changes** for which **compensatory storage will be provided. Given the size of Lake Nippenicket and its ability to absorb slight increases in flood volumes, the compensatory storage to be provided is insignificant;** however, it will be provided in compliance with the WPA Regulations at 310 CMR 10.57(4)(a)1-3, including the requirement to provide compensation on a foot-by-foot basis. The development proposed on Lots 6 and 7 do not impact BLSF and do not require compensatory storage. Figures 4-5 and 4-6 show the boundaries of BLSF in relation to the proposed conditions and the proposed location of the compensatory storage area on Lot 1 and the Northern Lot, respectively."*

Lake Nippenicket is a **SHALLOW LAKE** and has already shown that it is beginning to **significantly flood neighborhood areas** during periods of high rain including portions of and/or the entire backyards of some neighborhoods including those **directly across the way from the restaurant**. In addition, portions of the road on Lakeshore Drive are very close to the lake and these roads and are **ESSENTIAL for entering and exiting the neighborhood**. Route 104 is also located very close to the lake (and the proposed restaurant) and if it floods, it would heavily impact the ability of commuters to get to Route 24 and other areas of Bridgewater – including the downtown.

Therefore, it is not just important to elevate the buildings so they are located above these significant floodplains, but **it is of key importance to study how these alterations and the buildings themselves could negatively affect adjacent properties (including across the lake), neighborhoods, and roads.**

Claremont Indicated in the same section that:

*“Low Impact Development (LID) techniques will 6491/Lakeshore Center Phase 4 7-2 Adaptation and Resiliency Epsilon Associates, Inc. be utilized in site design and development **to the extent practical** to protect water quality, and the proposed system will comply with the Massachusetts Department of Environmental Protection’s (MassDEP) Stormwater Management Standards.”*

What does the term “to the extent practical mean”? What practical limits are being referenced?

- **TREE DESTRUCTION/RELATED DONATIONS:** Claremont’s proposed donation of \$25,000 to the tree committee in Bridgewater **does not protect** the 4-6 acres of trees they are damaging or protect the area where they are planning to remove the trees. In the Adaption and Resiliency Section of the document, they indicate that they will also plant 119 trees on Lot 7 to mitigate some of the effects of removing the existing trees. **What size will these trees be in comparison to the ones they are planning to remove, and how many actual, mature trees are they proposing removing from the existing 4 to 6 acres?**

Claremont has acknowledged in the same section that extreme temperatures due to climate change are one of the Town of Bridgewater’s biggest resiliency concerns for the upcoming years, and it is well known that trees help to mitigate these impacts. The removal of 4-6 acres of mature trees could have a major effect on the entire area. Leaving these trees intact and reducing the number of buildings they are planning to build so that no building is required in the sensitive 100 foot NO BUILD WETLANDS ZONE, is the best way to reduce potential climate change impacts.

- **ADAPTION AND RESILENCY:** On page 109 of the SDEIR, Claremont indicated the following:

Electricity Usage:

“Because the Proponent recognizes the importance of renewable energy potential, the Proponent will commit to increasing rooftop PV-readiness to the entire roof area outside of the mechanical footprint for the Hotel on Lot 7 and the 55+ Residential Community on Lot 6. Code-compliant PV readiness will be provided for the restaurant on the Northern Lot and the Café on Lot 1. Chapter 8 provides additional information on the GHG analysis.”

Increasing PV-readiness does not equate to an actual reduction in planned electricity or heating fuel.

Why not utilize solar panels ON all their proposed buildings from the start? Given their planned electrical usage, solar panels should be a requirement from the beginning.

It should also be noted, that NSTAR requested that residents reduce electricity on an immediate, emergency basis during peak hours during the hottest days of last summer due to immediate concerns of overloading the system. This indicates that in our area, we are already straining the electricity capabilities of this major electric provider.

- **UNDERESTIMATED WATER AND WASTE WATER USAGE:** Water usage and waste water are likely underestimated given the inaccuracies found in the proposed Hotel project when it went to the Town of Bridgewater Planning Board. Therefore, ALL Claremont’s water usage and wastewater projections should be examined for similar inaccuracies. For instance, current water usage was underestimated and did not include all of their buildings nor did it include “full capacity estimates.”

- **TEMPORARY RESTRICTION ON FURTHER CONSTRUCTION:** The proponent has offered the following, which should be a permanent (versus temporary) restriction and appears to only protect the actual wetlands (and possibly the 25 foot buffer) **which you ALREADY are not allowed to touch under the state and local Bridgewater Wetlands Protection Act.**
- *“To further mitigate the Project’s impacts, the Proponent will place a conservation restriction (CR) on approximately **22 acres on Lot 6 and 9 acres on Lot 7.** The CR will be proposed as a conventional restriction under M.G.L. c.184, §§33-34 to be submitted for local and state approval and to remain as open space in perpetuity. **The CR will include wetland resource areas.** This Conservation Restriction will allow for long term land conservation and stewardship. A similar CR will be placed on approximately **two acres of Lot 1.** **This deed restriction under C.184, §§23-30 will be a 30-year open space protection restriction with a re-recording provision of additional 20-year increments.** The deed restriction will protect the open space shown against further development buffer to wetlands.”*

ADDITIONAL TRANSPORTATION/TRAFFIC CONCERNS:

- **LAKESIDE DRIVE/FRUIT STREET IMPACTS:**

- As previously noted, there is only one entrance and exit from the Lakeside Drive/Fruit Street for all neighborhoods contained within it. In addition, this is the only entrance/exit for the public which wish to use the public boat ramp.
- This one exit will be severely impacted by the increased traffic, much of which will need to stop to enter and exit the proposed building locations via 5 new proposed curb cuts (full access driveways).
- In addition, the installation of the below will also cause further delays and traffic backups:
 - Installation of push button actuated rapid rectangular flashing beacons at the existing crosswalk across Pleasant Street (Route 104) just west of Lakeshore Center;
 - Construction of a new crosswalk and rapid rectangular flashing beacons across Pleasant Street (Route 104) west of Old Pleasant Street, providing a direct connection to the proposed restaurant;
- The above entrance/exit is already known to be accident prone. The above will create an even more dangerous situation. The only way to control traffic and reduce safety concerns would be **to install a traffic light at the above intersection INSTEAD of the proposed PUSH button.** If a push button can be installed for foot traffic, there is **no reason** a traffic light cannot be installed to protect this intersection. This has not been proposed – instead Claremont has proposed the following extremely inadequate measures to protect this critical intersection:
 - *“Based on the meeting with MassDOT, the following mitigation measures are proposed to be included for the intersection of Pleasant Street (Route 104) and Lakeside Drive/Fruit Street:*
 - *Installation of intersection ahead warning signage on Pleasant Street (Route 104) approaching Lakeside Drive/Fruit Street. 6491/Lakeshore Center Phase 4 2-39 Transportation McMahon, a Bowman company.*
 - *Repainting/painting stop bars on the Lakeside Drive/Fruit Street approaches to Pleasant Street (Route 104).*
 - *Relocating the STOP-sign on Lakeside Drive approach and installing STOP-sign on the Fruit Street approach.”*
- It was noted that during the time of the original traffic analysis in April 2022 the new SDEIR indicates that the Lakeside Drive/Fruit Street entrance/exit **was actually closed** during the time that the analysis

was originally performed. The proponent indicated that due to that fact, they performed a new traffic analysis of that intersection and the traffic volume **was extremely low** on Lakeside Drive/Fruit Street in November 2022. The exact date was not provided and should be as it is a key factor which could explain why traffic would be low at that time. It should also be noted that the traffic analyzed in that month would **NOT include peak Public Boat Ramp traffic** as the season for boating is definitely over by November. In addition, if it was conducted during Thanksgiving week or close to the holiday week, it could also account for lower traffic figures. Claremont needs to test traffic during PEAK boat ramp periods (which is May to October, July or August is recommended) and during a time period that doesn't include a major holiday.

- In spite of the above, traffic analyzed for Lakeside Drive/Fruit Street shows a potential increase of 2.5 times the previous traffic levels. Figures 2.6 to 2.11, show that new traffic on Route 104 would be an 80%-90% increase over exiting traffic **FOR EACH BUILDING** heavily impacting both neighborhood and boat ramp traffic entering and exiting Lakeside Drive/Fruit Street.
- Delivery trucks may also not be able to park in the limited parking spaces around the proposed restaurant, meaning they may need to park temporarily on the road, further backing up traffic.
- Claremont is claiming a delay of 8 seconds to get out of the Lakeside drive/Fruit Street entrance. This is impossible as each time a car goes by it takes about 30 seconds to pass before you can safely enter the intersection. If there is two way traffic, then 1 extra car each way could easily generate up to a 60 second delay. In addition, because of the extreme likelihood that traffic would be required to slow down, stop, and wait to continue because of the above new driveways and conditions stated above, it is, therefore, clear that a traffic light would be needed to safely enter and exit Fruit Street/Lakeside drive.

- **ADDITIONAL NEIGHBORHOODS AND COMMUTER TRAFFIC IMPACTED:** The above increases and traffic conditions would also heavily impact the neighborhood to the west of Lakeshore Drive and commuter traffic trying to reach Route 24 which is required to pass by the Lakeshore Drive site.

- **PREFERRED BUILD:** The above traffic analysis includes all desired Claremont builds (called their "preferred builds") including the two buildings not in this analysis because MassDOT required it. This further provides evidence of Claremont's true intentions.

- **VEHICLE ESTIMATES:** Estimated vehicle trips per day increased by 32, this is likely due to the fact that warehouse traffic wasn't included in the initial analysis.
- **5 NEW FULL ACCESS DRIVEWAYS** are proposed in total including:
 - Access to the proposed café on Lot 1 will be provided by two new full-access driveways to the west of the Residence Inn driveway on the south side of Pleasant Street.
 - Access to the Northern Lot will be provided via three new full-access driveways on the north side of Pleasant Street.
 - Why was the total # of full access driveways was reduced by one for BOTH of the above locations for purposes of the traffic assessment? This makes no sense.
 - Also, these new full-access driveways will likely cause significant traffic delays due to cars needing to what to turn (which increased traffic goes by) and possibly needing to wait if there is a backup of traffic entering the location at peak usage times especially for the proposed sit down restaurant.

- **TRANSPORTATION DEMAND MANAGEMENT:** Who will monitor the performance of the “Transportation Demand Management” program proposed by Claremont?
- **TRANSPORTATION MONITORING PROGRAM:** Why does the Transportation Monitoring Program begin six months **AFTER the occupancy of the preferred build condition** (meaning increases in traffic and new traffic issues would not be monitored by Claremont when each building goes up). This program should be implemented after the **FIRST NEW BUILDING GOES** up, and traffic issues should be reevaluated after each approved build occurs. Otherwise, traffic issues may not be adequately evaluated in time. Also, Claremont must be required to report significant traffic issues and provide a copy of this report to the appropriate state agency. This program should also include the monitoring of affected intersections such as Fruit Street/Lakeside Drive entrance and exit.

- **ARCHAEOLOGICAL SITES**

*“The Proponent is not able to include a copy of the alternatives analysis developed for Lots 6 and 7 in October 2020 in this SDEIR because it contains **confidential** information about the archeological resources within the Project Site.”*

There seems to be an inordinate amount of secrecy surrounding the Archeology of the sites, so it is very difficult to know whether the appropriate steps are being taken. Since MEPA is a state entity, it could obtain more information from the MHC. I request that MEPA consider doing so before proceeding with the request. I believe the public should also be apprised as to what was **actually found** on the archeological site before this project advances.

By reducing the proposed builds, the above land could remain untouched and the artifacts which have been found preserved and studied appropriately.

STORMWATER CONTROL: In section 4.4.3 Year 2070 Stormwater Control, Claremont States:

“The level of the water within the Hockomock wetland system is largely controlled by the manner in which the Arch Street Dam in West Bridgewater is managed. The dam controls flows in the Town River that drains the Hockomock Swamp. Removal of boards from the outlet structure of the dam allows for a tremendous increase in the stormwater capacity within the Hockomock and Town River watershed. For this reason, the impact of future climate change poses a less significant threat for the Project and its environs than would a similar type project in a more dense urban area that lacks the ability to absorb increased precipitation.”

A recent news article stated:

“The Town of West Bridgewater owns the earthen dam located at Arch Street near the Canoe Club and recently obtained state grant money to repair it. “

“BRIDGEWATER, Mass. — Crews have begun demolishing the historic High Street dam in Bridgewater in ongoing conservation efforts by the state, officials said.

The dam has stood over the Town River for more than 100 years and now faces numerous structural problems, officials said in a statement on Tuesday.”

“The 12.5-foot-high, 80-foot-wide dam on High Street has been deemed “a significant potential hazard that obstructs natural river flows and has contributed to local flooding,” so it is being removed, officials said.”

While the above are two different dams, it is important to note, these dams are in a constant state of flux, frequently require repairs, and have different purposes and objectives (such as the maintenance of the well known fish ladder), and should not be relied upon for this specific purpose, especially in the long term.

GREENHOUSE GAS:

The Project Update states:

“The DEIR contained four main buildings and two small retail buildings. After consultation with MEPA, the scope has been reduced to two main buildings and two small retail buildings. The new Project scope is: ♦ A 5-story (formerly four), 110-room hotel (approximately 69,810 SF) on Lot 7, with a smaller footprint; ♦ A 4-story, 225-unit (approximately 307,400 SF) 55+ residential community on Lot 6; ♦ A 1-story, approximately 1,800 SF café shop on Lot 1; and ♦ A 179-seat (approximately 6,000 SF) restaurant on the north side of Pleasant Street adjacent to Lake Nippenicket. “

As stated previously above, Claremont **has NOT reduced** the entire footprint of the project, they have only agreed to **“defer approval”** by MEPA by 5 years for some of the buildings proposed in their original submission to MEPA (specifically, the assisted living facility and proposed condominiums). This area and the surrounding neighborhoods, lake and wetlands CANNOT HANDLE this density of development. Indeed, it was stated directly by Patrick Carney, CEO of Claremont in a recent Bridgewater Planning Board meeting that he did not intend to “give up any of his building rights”.

Claremont should be required to PERMANENTLY reduce their building plans for this area by putting a permanent conservation restriction on all buildings not included in THIS submission to MEPA and completely eliminating the proposed restaurant completely for the many reasons outlined previously in this document.

Hotel:

Claremont states: *“This building applied for its building permit prior to July 1, 2023 and is therefore subject to the Energy Code prior to the July 2023 Stretch Code update and at 66,000 sf, is not subject to the Stretch Code.”*

The above statement should be checked for accuracy as the Stretch Code appears to just say,

“8. What building types does the Stretch energy code and Specialized code apply to? The Stretch code applies to both residential and commercial new construction, as well as certain renovations and additions. The Specialized code applies only to new residential and commercial new construction.”

More about the Stretch Code:

“The Stretch code requires that builders use the performance-based method. Measuring the home in this way brings in a 3rd party energy expert who verifies it is designed and built to perform as expected, which is an important protection for the homeowner and for any future buyer. Some builders in non Stretch code communities voluntarily choose to use the performance-based method required by the Stretch code because it can often provide greater flexibility.”

It also appears that Bridgewater adopted this code as follows:

Bridgewater 28,633 Town Meeting adopted the Stretch Code on 9/6/2011, effective date 7/1/2012.

Given the above, it should be determined if Claremont is required to adopt this code for the above building. If not, perhaps they should consider using it voluntarily.

55+ Community Building

Since it hasn't been designed yet, perhaps it should be moved to a future DEIR or SDEIR.

AIR POLLUTION:

The proponent determined that a 13% increase in CO₂e would occur on a DAILY basis with the project's currently proposed "preferred build" from traffic alone.

This increase in pollution would affect all the current and future inhabitants, employees, visitors of Lakeshore Center itself, the surrounding neighborhoods, and all members of the public attempting to use the lake for healthy recreational purposes, as well as restaurants and café patrons. This once again, points to the fact that the proposed density of development is hazardous to the health of the entire area.

In conclusion, I strongly believe the Hockomock Swamp ACEC, the health of Lake Nippenicket, the surrounding neighborhoods, infrastructure, communities, and the general public cannot handle the density of development proposed by Claremont, and would be very negatively impacted if the above projects are allowed to proceed as currently planned. I ask instead that the proponent of this project be required to reduce the proposed scope of these projects including permanent removal of any projects which require that they build within 100 feet wetland buffer zones. If they reduce the scope of their plans, they would then be able to build outside of these zones, and the lake, surrounding communities, and neighborhoods will remain protected.

Thank you for your consideration of my concerns.

I have attached my detailed response to Claremont's detailed response as provided to me in the SDEIR.

Sincerely,

Jean DiBattista

260 Lakeside Drive

Bridgewater, MA

DETAILED RESPONSE TO CLAREMONT'S PREVIOUS RESPONSE TO MY LETTER:

JD 01 In addition, Claremont wants to build in 100 foot NO BUILD wetland buffer zones as outlined in state and local town wetland protection regulations. These buffers are violated by most of the planned parking lots in their plans. In addition, the entire restaurant they want to build directly on Lake Nippenicket, is within the 100 foot NO BUILD wetland buffer, and its building is right up against the 25 foot NO TOUCH wetland buffer. A 100 foot NO BUILD wetland buffer also runs directly through the planned CAFÉ building.

CLAREMONT RESPONSE: All proposed work within the 100-foot buffer zone will occur in the outer 75 feet, outside of the local 25-foot "no activity" buffer around BVW as required by the Bridgewater Wetlands Protection Bylaws. The proposed Project will meet all of the performance standards in the WPA Regulations for BVW at 310 CMR 10.55(4). Section 4.1 provides additional information.

JEAN DIBATTISTA 10/25/2023 RESPONSE:

Section 2 of the Bridgewater Wetlands Protection Law States:

*Section 2 Jurisdiction Except as permitted by the Bridgewater Conservation Commission or as provided in this by-law, **no person shall remove, fill, dredge, build upon or alter the following areas:** a. Within **100 feet** of any freshwater wetland, marsh, wet meadow, bog, or swamp; b. Within **100 feet** of any bank, lake, pond, stream; c. Any land under said waters; d. **Within 100 feet** of any land subject to flooding or inundation by groundwater or surface water.*

Section 7, Point G states:

*For any project that involves bordering vegetated wetlands (BVW) resource filling and replication, the **BCC shall consider any prior work on site that may have involved BVW filling and replication, and shall consider the cumulative impact of all prior site activities as part of its evaluation of a project's viability.** In no case shall the BCC approve any project for which **the cumulative impact exceeds the allowable threshold, change in project proponent or property ownership notwithstanding.** The BCC shall consider wildlife habitat and nesting value of the buffer zones associated with a BVW resource where filling of the resource is proposed. Applicants are encouraged to seek alternative development options that would minimize or avoid BVW filling and replication where filling is designed to achieve the **required fifty (50) foot building setback** from a BVW boundary.*

The entire project is in a designated Area of Critical Environmental Concern and therefore, the **strictest standards relating to the above rules should be respected by Claremont and enforced at a state and local level.** Claremont's current response only further demonstrates their lack of respect for current Wetland Protection Act regulations and their intentions to attempt to by-pass them. All of Claremont's proposed projects should be required to meet the 100 foot NO BUILD requirement specified above.

In addition, it has now been determined by DEP that the streams that Claremont indicated originally were intermittent are PERENNIAL STREAMS. Claremont, therefore, should be required to meet both the Bridgewater Wetlands Protection Laws rules for that aspect of their proposed projects as well.

Claremont should not be allowed to continue to ignore the above 100 foot NO BUILD buffer zones. Instead, they should be allowed to build ONLY OUTSIDE OF THESE ZONES. They could easily achieve

that objective by reducing the # of buildings/projects they are proposing, and by eliminating their restaurant proposal and replacing it with a restaurant located inside of the Lakeshore center complex.

JD 02 Their claim that these 3 streams are intermittent needs to be reviewed independently for accuracy, and interested members of the public and those responsible for the enforcement of the Massachusetts "Rivers Protection Act" should be given the chance to submit evidence to the contrary.

Claremont Response: As was discussed in the DEIR, the stream on the Northern Lot has been shown to be intermittent. Documentation of this was provided in Appendix E of the DEIR.

Jean DiBattista 10/25/2023 Response:

As stated at a recent Bridgewater Town Planning Board Meeting, Claremont has now admitted that DEP has indicated that these streams are PERENNIAL STREAMS as anticipated. All applicable maps they have provided as part of their SDEIR response to MEPA should be updated with this information and show how far the related proposed buildings are from the above buffer zones.

See the following link for additional information:

USGS response confirming that the northeast corner stream is perennial:

<https://eeaonline.eea.state.ma.us/portal/#!/wire/196886>

The USGS quad shows a perennial stream located on the subject property in the northeast corner. If any of the proposed project falls within Riverfront Area, the project must comply with 310 CMR 10.58(4).

JD 03 Claremont's proposed projects require zoning changes for the new proposed lots and for the restaurant on Lake Nippenicket. There is substantial history behind why the existing zoning requirements were put in place, and these need to be understood and current zoning upheld if the reasons for the original zoning are still valid.

Claremont Response: The Bridgewater Planning Board and Town Council will review the Proponent's application and determine the appropriate next steps. Section 1.5 provides an update on the local, state, and federal permitting and review requirements associated with the Project.

Jean DiBattista 10/25/2023 Response:

All the above reviews are still in process or have not yet started. Claremont has been shown to have provided erroneous and inaccurate information such as the above (as it relates to the Perennial Streams) during the reviews which have occurred so far. Therefore, I urge MEPA to carefully review and validate their current claims for all submitted areas for which I have already found additional inaccuracies. Also, the zoning provided in Section 1.5 may not include all local, state, and federal permitting requirements.

JD 04 Other aquatic wildlife, such as a substantial population of turtles also exist within the lake itself. In addition to fisherman, great blue herons, ospreys and eagles, and other raptors are also known to fish on the lake. The potential impact of the project on this important aspect of wildlife needs to be studied and understood. Currently the potential impact of the project of these important natural populations has not been studied. Since multiple wetland buffers would be violated by this project, it is important to study the potential impact on these species.

Claremont Response: 6491/Lakeshore Center Phase 4 10-33 Response to Comments Epsilon Associates, Inc. Please refer to the comment letter on the DEIR from Jesse Leddick at Massachusetts Division of Fisheries & Wildlife. As indicated in the comment letter, the Natural Heritage Program has determined that the Project will not result in a Take of state-listed species on the Northern Lot and, provided that the Proponent adheres to the conditions of their existing Conservation and Management Permit, no further review or permitting will be needed.

Jean DiBattista 10/25/2023 – A copy of the above permit needs to be provided to MEPA and the Public. In addition, just because a species is not endangered does not mean it will not be affected by these proposed projects. For instance, if the water of Lake Nippenicket is affected by contaminated runoff, then ALL the species in the lake and those species which depend upon them for food will be affected.

JD 05 Since the 100 foot wetland buffer of the lake would be violated by this project (especially by the restaurant) if Claremont’s proposed project proceeds, the potential impact on these wildlife populations should also be studied and understood.

Claremont Response: All proposed work within the 100-foot buffer zone will occur in the outer 75 feet, outside of the local 25-foot “no activity” buffer around BVW as required by the Bridgewater Wetlands Protection Bylaws. The proposed Project will meet all of the performance standards in the WPA Regulations for BVW at 310 CMR 10.55(4). Section 4.1 provides additional information. As mentioned in response to the previous comment, please refer to the comment letter on the DEIR from Jesse Leddick at Massachusetts Division of Fisheries & Wildlife. As indicated in the comment letter, the Natural Heritage Program has determined that the Project will not result in a Take of state-listed species on the Northern Lot and, provided that the Proponent adheres to the conditions of their existing Conservation and Management Permit, no further review or permitting will be needed.

Jean DiBattista 10/25/2023 Response: As previously stated, the actual language of the Bridgewater Wetlands Protection Act says the following:

*Section 2 Jurisdiction Except as permitted by the Bridgewater Conservation Commission or as provided in this by-law, **no person shall remove, fill, dredge, build upon or alter the following areas:** a. Within **100 feet** of any freshwater wetland, marsh, wet meadow, bog, or swamp; b. Within **100 feet** of any bank, lake, pond, stream; c. Any land under said waters; d. **Within 100 feet** of any land subject to flooding or inundation by groundwater or surface water.*

Section 7, Point G states:

*For any project that involves bordering vegetated wetlands (BVW) resource filling and replication, the BCC shall consider any prior work on site that may have involved BVW filling and replication, and shall consider **the cumulative impact of all prior site activities as part of its evaluation of a project’s viability.** In no case shall the BCC approve any project for which **the cumulative impact exceeds the allowable threshold, change in project proponent or property ownership notwithstanding.** The BCC shall consider wildlife habitat and nesting value of the buffer zones associated with a BVW resource where filling of the resource is proposed. Applicants are encouraged to seek alternative development options that would minimize or avoid BVW filling and replication where filling is designed to achieve the **required fifty (50) foot building setback** from a BVW boundary.*

The entire project is in a designated Area of Critical Environmental Concern and therefore, the **strictest standards relating to the above rules should be respected by Claremont and enforced at a state and local level.** Claremont's current response only further demonstrates their lack of respect for both State and Bridgewater Wetland Protection Act regulations and their intentions to attempt to by-pass them. All of Claremont's proposed projects should be required to meet the 100 foot NO BUILD requirement specified above.

In addition, it has now been determined by DEP that the streams that Claremont indicated originally were intermittent are PERENNIAL STREAMS. Claremont, therefore, should be required to meet both the Bridgewater Wetlands Protection Laws rules for that aspect of their proposed projects as well.

JD 06 Given that the wetlands on the subject property are hydrologically connected to Lake Nippenicket, the entire proposed restaurant is right on the Lake within 100 foot NO BUILD wetland buffers, and Lake Nippenicket is the headwaters to the Town River, which is one of two main tributaries that begin the Taunton River, the project could potentially impact the "outstandingly remarkable" values and resources of the Taunton River. In addition, Claremont's current response to these issues when previously raised has been woefully inadequate.

Claremont Response: All proposed work within the 100-foot buffer zone will occur in the outer 75 feet, outside of the local 25-foot "no activity" buffer around BVW as required by the Bridgewater Wetlands Protection Bylaws. The proposed Project will meet all of the performance standards in the WPA Regulations for BVW at 310 CMR 10.55(4). As described in Section 4.1, the Project will not fill, dredge, or alter BVW. The Project has been designed to meet the MassDEP Stormwater Management Standards and will not impair water quality or increase the peak rate of stormwater runoff. The Proponent will obtain an Order of Conditions from the Bridgewater Conservation Commission for all work within the Buffer Zone to BVW. Section 4.1 provides additional information. 6491/Lakeshore Center Phase 4 10-34 Response to Comments Epsilon Associates, Inc.

Jean DiBattista 10/26/2023 Response: See above response. The 25 foot NO TOUCH buffer zone is NOT the only wetlands protection buffer zone. The above law specifies a 100 foot NO BUILD wetland buffer zone, which Claremont appears to be continually attempting to repeatedly deny exists. The above Northern Lot's proposed building also includes building at minimum of half of the restaurant within the 50 foot buffer zone and as previously stated bumps right up next to the 25 foot buffer zone. All of the proposed building is located in the Hockomock Swamp area, which is considered an area of critical environmental concern and the proposed location is right on Lake Nippenicket. As stated above, a Perennial Stream also exists (which originally Claremont attempted to say was intermittent) right next to the restaurant build site. Therefore, a 100 foot No Build wetland buffer zone should be required to protect that stream. Please note, that stream is needed to properly allow nearby wetlands to drain properly into Lake Nippenicket. As Claremont has demonstrated a tendency to provide inaccurate, inconsistent, and misleading information, an independent engineer is need to examine their claims that they are meeting MassDEP Stormwater Management Standards – and that they will not further impair water quality or increase the rate of peak stormwater runoff. The Bridgewater Conservation Commission should not allow the proponent to build within these zones as this group exists within the Town of Bridgewater to protect the above laws and to enforce them. Finally, the majority of the proposed restaurant site located right on Lake Nippenicket is in a FLOOD ZONE according to Figure 4-4

of the SDEIR, which I would think would make this site extremely undesirable for multiple reasons to build there, including but not limited to both environmental AND business reasons.

JD 07 In addition to all of the above; noise, vibration, fugitive dust and traffic disruptions from a 6-7 year construction project (part of which would be right next to the public boat ramp and the rest of which would be right across the street), will also definitely reduce the public's enjoyment of the public boat ramp area and their enjoyment of Lake Nippenicket. Construction period impacts are short term in nature and will be minimized to the extent practicable.

Claremont Response: Construction period impacts are short term in nature and will be minimized to the extent practicable.

Chapter 9 provides the construction period mitigation measures that the Proponent is committed to implementing.

Jean DiBattista 10/26/2023 Response: In addition to the outlined measures in Chapter 9, should any of the above projects be approved, and especially for projects located near the public boat ramp in order to protect the interests of the public and nearby neighborhoods, the proponent should be required to limit construction to specific days of the weeks, and specific times of the day. Construction should not be allowed to occur on the weekends, holidays, early morning or in the evening.

JD 08 The only intersection shown to have a crash rate higher than the MassDOT District 5 and statewide averages is Pleasant Street at Lakeside Drive/Fruit Street. This road is the only way out of the Lakeside Drive/Pleasant Street neighborhood. This intersection will become even more dangerous with significantly increased traffic as it does not nor are there plans for a new traffic light. A traffic light should definitely be considered by the town of Bridgewater to ensure the safety of the residents and the general public (using the boat ramp) in this area.

Claremont Response: Based on the meeting with MassDOT, the following mitigation measures are proposed to be included for the intersection of Pleasant Street (Route 104) and Lakeside Drive/Fruit Street: • Installation of intersection ahead warning signage on Pleasant Street (Route 104) approaching Lakeside Drive/Fruit Street. • Repainting/painting stop bars on the Lakeside Drive/Fruit Street approaches to Pleasant Street (Route 104). • Relocating the STOP-sign on Lakeside Drive approach and installing STOP-sign on the Fruit Street approach. Section 2.6.6 provides additional information on transportation mitigation.

Jean DiBattista 10/26/2023 Response: The above measures are not even remotely adequate to protect and/or facilitate entry and exit from the Fruit Street/Lakeside Drive entrance. In reviewing the new traffic section and the proposed mitigation measures, I have the following concerns:

LAKESIDE DRIVE/FRUIT STREET IMPACTS:

- As previously noted, there is only one entrance and exit from the Lakeside Drive/Fruit Street for all neighborhoods contained within it. In addition, this is the only entrance/exit for the public which wish to use the public boat ramp.
- This one exit will be severely impacted by the increased traffic, much of which will need to slow down and/or stop to enter and exit the proposed building locations via 5 new proposed curb cuts (full access driveways).

- In addition, the installation of the below will cause ADDITIONAL delays and traffic backups:
 - Installation of push button actuated rapid rectangular flashing beacons at the existing crosswalk across Pleasant Street (Route 104) just west of Lakeshore Center;
 - Construction of a new crosswalk and rapid rectangular flashing beacons across Pleasant Street (Route 104) west of Old Pleasant Street, providing a direct connection to the proposed restaurant. Both of these devices will create further delays for entry and exit from Fruit Street/Lakeside drive, as traffic would be required to stop each time someone presses this button. **This installation is for the benefit of the developer, their customers, and NOT for the surrounding neighborhoods which would be affected.**
- This entrance/exit is already known to be accident prone. The above will create an even more dangerous situation.
- The only way to control traffic and reduce safety concerns would be to install a traffic light at the above intersection INSTEAD of the proposed PUSH button. If a push button can be installed for foot traffic, there is **no reason** a traffic light cannot be installed to protect this intersection. **This has not been proposed** – instead Claremont has proposed the following extremely inadequate measures to protect this critical intersection:
 - ◆ Installation of intersection ahead warning signage on Pleasant Street (Route 104) approaching Lakeside Drive/Fruit Street. 6491/Lakeshore Center Phase 4 2-39 Transportation McMahan, a Bowman company.
 - ◆ Repainting/painting stop bars on the Lakeside Drive/Fruit Street approaches to Pleasant Street (Route 104).
 - ◆ Relocating the STOP-sign on Lakeside Drive approach and installing STOP-sign on the Fruit Street approach.

In addition, I have the following concerns and/or questions as it relates to both the accuracy of the information provided by Claremont, and the manner in which their traffic analysis was performed:

- It was noted that during the time of the original traffic analysis in April 2022 the new SDEIR indicates that the Lakeside Drive/Fruit Street entrance/exit **was actually closed** during the time that the analysis was originally performed. The proponent indicated that due to that fact, they performed a new traffic analysis of that intersection and the traffic volume was extremely low on Lakeside Drive/Fruit Street in November 2022. The exact date was not provided and should be as it is a key factor which could explain why traffic would be low at that time. It should also be noted that the traffic analyzed in that month **would NOT include peak Public Boat Ramp traffic** as the season for boating is **definitely over by November**. In addition, if it was conducted during Thanksgiving week or close to the holiday week, it could also account for lower traffic figures. Claremont should be required to test traffic **during PEAK boat ramp periods** (which is May to October, July or August is recommended) and during time periods that do not include a major holiday. Multiple tests are recommended.
- Despite the above, traffic analyzed for Lakeside Drive/Fruit Street shows and increase of 2.5 times the previous traffic levels. Figures 2.6 to 2.11, show that new traffic on Route 104 would be an 80%-

90% increase over exiting traffic FOR EACH BUILDING heavily impacting both neighborhood and boat ramp traffic entering and exiting Lakeside Drive/Fruit Street.

- Delivery trucks may also not be able to park in the limited parking spaces around the proposed restaurant, meaning they may need to park temporarily on the road, further backing up traffic.
- Claremont is claiming a delay of 8 seconds to get out of the Lakeside drive/Fruit Street entrance. This is impossible as each time a car goes by it takes about 30 seconds to pass before you can safely enter the intersection. If there is two way traffic, then 1 extra car each way could easily generate up to a 60 second delay. In addition, because of the extreme likelihood that traffic would be required to slow down, stop, and wait to continue because of the above new driveways and conditions stated above. **Therefore, it is clear that a traffic light would be needed to safely enter and exit Fruit Street/Lakeside drive.**
- **ADDITIONAL NEIGHBORHOODS AND COMMUTER TRAFFIC IMPACTED:** The above increases and traffic conditions would also heavily impact the neighborhood to the west of Lakeshore Drive and commuter traffic trying to reach Route 24 which is required to pass by the Lakeshore Drive site.
- **VEHICLE ESTIMATES:** Estimated vehicle trips per day increased by 32, this is likely because warehouse traffic was not included in the initial analysis.
- **5 NEW FULL ACCESS DRIVEWAYS** are proposed in total including:
 - Access to the proposed café on Lot 1 will be provided by two new full-access driveways to the west of the Residence Inn driveway on the south side of Pleasant Street.
 - Access to the Northern Lot will be provided via three new full-access driveways on the north side of Pleasant Street.
 - Also, these new full-access driveways will likely cause significant traffic delays due to cars needing to wait to turn (which increased traffic goes by) and possibly needing to wait if there is a backup of traffic entering the location at peak usage times especially for the proposed sit down restaurant.
- **PASS-BY TRIPS:** Pass-by trips may be overestimated. Also the fact that cars that would normally pass through quickly will now need to slow down and/or stop, and re-enter the roadway once they complete their desired trip to all these new destinations, and how this impacts traffic should be estimated. I would think this would definitely INCREASE traffic congestion.
 - Most trips to a “sit down” restaurant (which typically require reservations to get in), are unlikely to be “pass-by” trips. Also, stopping at a very crowded restaurant could cause traffic backups to occur. There is no space or road outside of the restaurant parking lot to accommodate this traffic which is likely to cause backups which spill out to the road when vehicles are attempting to enter and exit the restaurant further impacting the Lakeside Drive/Fruit Street entrance. How would traffic entering and leaving the restaurants driveways be controlled?
- **TRANSPORTATION DEMAND MANAGEMENT:** Who will monitor the performance of the “Transportation Demand Management” program proposed by Claremont?
- **TRANSPORTATION MONITORING PROGRAM:** Why does the Transportation Monitoring Program begin six months AFTER the occupancy of the preferred build condition (meaning increases in traffic and new traffic issues would not be monitored by Claremont when each building goes up). This program should be implemented after the FIRST NEW BUILDING GOES up, and traffic issues should be reevaluated after each approved build occurs. Otherwise, traffic issues may not be adequately

evaluated in time. Also, Claremont must be required to report significant traffic issues and provide a copy of this report to the appropriate state agency. This program should also include the monitoring of affected intersections such as Fruit Street/Lakeside Drive entrance and exit.

JD 09 Claremont claims in their new report that only a 3 second delay would be experienced by residents utilizing Lakeside Drive to enter Pleasant Street. This is not a believable claim as one car going in each direction causes a 17 to 28 second delay at minimum. Claremont's traffic analysis should be carefully studied in order to determine its validity.

Claremont Response: As described in Section 2.6.3, study area intersections will continue to operate at an acceptable level of service. Additionally, the proposed Project will implement a Transportation Demand Management (TDM) to encourage the use of alternative modes of transportation to reduce single occupancy vehicles trips to the site. To evaluate the adequacy of the mitigation measures and determine the effectiveness of the TDM program, the proposed Project will complete an annual transportation monitoring 6491/Lakeshore Center Phase 4 10-35 Response to Comments Epsilon Associates, Inc. program for a period of five years, beginning six months after occupancy of the Preferred Build condition. Sections 2.6.7 and 2.6.8 provide additional information on transportation mitigation and monitoring.

Jean DiBattista 10/26/2023 Response – See my new response under JD 08.

JD 10 In addition, the impact of the seven new entrances, and two new sidewalk signals (rapid rectangular flashing beacons – RRFB's) does not appear to have been included in their analysis. For instance, what type of delay will occur if traffic is backed up at one of these entrances – such as the restaurant or cafe?

Claremont Response: The additional traffic estimated to be generated by the proposed development was distributed onto the study area roadways and intersections based on existing travel patterns, logical travel routes, and U.S. Census Journey-to-Work data for the Town of Bridgewater. The new Project entrances were included in the transportation analysis, as shown on Figures 2-6 through 2-11.

Jean DiBattista 10/26/2023 Response – See my new response under JD 08.

JD 11 Area of Critical Environmental Concern – As I said in my previous comments on the ENF, the entire Lakeshore Center Development falls within the Hockomock Swamp Area of Critical Environmental Concern. Overall, the Project will disturb approximately 27.85 acres and create 12.74 acres of new impervious area and will require work within the buffer zone of bordering vegetated wetland (BVW).

Claremont Response: The Project, as designed, will not directly impact wetlands of the ACEC and no new buildings are proposed within the 100-year floodplain. Low impact design techniques will be utilized to the extent practicable to protect water quality. An approximately 22-acre conservation restriction has been proposed for on the Site which, if approved, would provide protection for wetland resources and

open space. To further reduce impacts, the Proponent will provide \$25,000 to the Town of Bridgewater Tree Warden for their use in planting trees either at Lakeshore Center or other suitable areas in Bridgewater. Please refer to Section 1.2.1 for additional information on the ACEC.

Jean DiBattista 10/26/2023 Response:

- **WETLAND BUFFER ZONES ARE BEING VIOLATED:** Claremont is proposing building in the 100 foot NO BUILD wetland buffer for all of their proposed buildings in a designated Area of Critical Environment Concern. There is no indication in ANY PART of the Bridgewater Wetland Protection Act that building and/or construction activities are allowed in the 26th to 75 foot zone. The only other zone mentioned is the 25 foot NO TOUCH buffer zone. is allowed mentioned in any of the local Bridgewater and/or State Wetlands Act Requirements.
- The above regulations further state that for any project that involves bordering vegetated wetlands (BVW) resource filling and replication, the BCC shall consider any prior work on site that may have involved BVW filling and replication, and shall consider the cumulative impact of all prior site activities as part of its evaluation of a project's viability. In no case shall the BCC approve any project for which the cumulative impact exceeds the allowable threshold, change in project proponent or property ownership notwithstanding. The BCC shall consider wildlife habitat and nesting value of the buffer zones associated with a BVW resource where filling of the resource is proposed. Applicants are encouraged to seek alternative development options that would minimize or avoid BVW filling and replication where filling is designed to achieve the required fifty (50) foot building setback from a BVW boundary
- Claremont should NOT be allowed to build a restaurant at ANY TIME directly on Lake Nippenicket. The entire restaurant is within the 100 foot **no build** buffer zone, part of the restaurant is within the 50 foot building setback zone in the Planning Board Zoning Bylaws, AND parts of the restaurant and planned parking lot brush directly up against the **25 foot no touch zone**. This area is also currently zoned RESIDENTIAL and is NOT PART of the PDD or the original 1988 McNeil Agreement. **This is a 100% proposed violation of all wetland zoning bylaws.** In addition, this plan brings increased traffic, includes 3 entrances, and exits, trash, noise, lights, is directly on the lake, negatively affects the public boat ramp, by making it more difficult to access by members of the public. In addition, it brings significant noise to people trying to peacefully enjoy the sunset or other activities in the public area of the lake.
 - The restaurant should also require a special permit as it is NOT part of the land included in the 1988 McNeil Decision, is currently zoned residential, and should therefore should definitely require a special permit in order to proceed.
 - Also, the proposed Café is almost completely within the 100 foot no build zone, part of its parking spaces and roads are in the 50 foot zone, and some parking spaces are running right up against the 25 foot no touch zone.
 - Part of the proposed hotel building is within the 100 foot buffer zone. Parking spaces are within the 50 foot zone, and the entire project butts up right against the 25 foot zone.

JD 12 The proposed project involves a large increase in water usage and Bridgewater is already on "Restricted Water Usage". More information needs to be provided to Bridgewater residents regarding Bridgewater's water needs, capacity and how the project will have an impact.

Claremont Response: With the elimination of the assisted living facility on Lot 4 and the condominiums from Lot 7, the water and sewer demands have been reduced from what was projected in the DEIR. Section 5.1 provides additional information on the Project's anticipated water demand.

Jean DiBattista 10/26/2023 Response – To was shown during recent Bridgewater Planning Board Meetings that Claremont’s existing water usage estimates were flawed and did not include all of their existing buildings (including, but not necessarily limited to AXIS). In addition, Claremont also did not estimate these buildings at their full capacity – which significantly understates potential usage.

In addition to the above, as stated within this document and directly by Patrick Carney, CEO of Claremont directly during recent Bridgewater Planning Meetings, Claremont has NOT agreed to give up their building rights to the other two additional buildings originally proposed in their first submission to MEPA, but only not to build those buildings for 5 years. The only effective purpose of removing them from the SDEIR is that they will possibly have to go through another MEPA review when Claremont completes the buildings under the current MEPA submission. This does not necessarily even delay the completion of these buildings as Claremont’s original plan was to build with a 6-7 year timeline. Therefore, I ask that existing water usage figures be carefully examined for accuracy as submitted as part of the SDEIR and matched to the new figures the Town of Bridgewater has requested, and new calculations be carefully evaluated.

JD 13 Where will the Town "reduce inflow and infiltration" in other parts of Town? At whose expense is this being arranged? More information is needed about how this project will impact Bridgewater’s inflow and infiltration capacity.

Claremont Response: The Lakeshore Development is currently operating under its local water and sewer allocations for the entire Lakeshore Property. Mitigation will be accomplished pursuant to local requirements by financing or completing physical system improvements. If a financial payment is made, it can be paid as part of the connection fee or through an agreement with the Town. As part of the local review process for each of the development lots, the Proponent will cooperate with the Town of Bridgewater to identify and reduce flows to the municipal treatment system. The Proponent expects that this requirement will be specified in the Section 61 Findings attached to any State Permit for the Project.

Jean DiBattista 10/26/2023 Response – See JD 12 for new concerns related to accuracy of the information provided to both MEPA and the Town of Bridgewater relating to existing water usage and planned density of build. Please note, the Town of Bridgewater wishes to revitalize its downtown as part of its Master Plan and Claremont’s extremely high demands for water will further strain town resources. In addition, temperatures are rising every year, and last year electricity demands during the summer were strained to the point that the electric companies that provide these services in our area needed to request a reduction of electric use. Claremont’s extremely dense development plans will most likely affect available electricity in the area as well.

JD 14 More transparency is needed with regard to these important sites and the impacts of the proposed development.

Claremont Response: The Proponent has worked closely with the Massachusetts Historical Commission (MHC) to address issues related to cultural and archaeological resources. A Memorandum of Agreement (MOA) containing sensitive information on archaeological sites has been established and circulated to signatories of the MOA as described in Section 6.3. The Proponent believes that all issues related to cultural resources have been adequately addressed through the working process with the MHC.

Jean DiBattista 10/26/2023 Response – Per a review of the above section of this document, I have the following new concerns:

From 6.2 Archaeological Sites

*“The Proponent is not able to include a copy of the alternatives analysis developed for Lots 6 and 7 in October 2020 in this SDEIR because it contains **confidential** information about the archeological resources within the Project Site.”*

There seems to be an inordinate amount of secrecy surrounding the Archeology of the sites, so it is very difficult to know whether the appropriate steps are being taken. Since MEPA is a state entity, it could obtain more information from the MHC. I request that MEPA consider doing so before proceeding with the request. I believe the public should also be apprised as to what was actually found on the archeological site.

From Section 6.3 Memorandum of Agreement

Why was the MOA only shared with the two federally recognized tribes, the Mashpee Wampanoag Tribe and the Wampanoag Tribe of Gay Head /Aquinnah? There are many other tribes in the area that may have interest and input as to the disposition of these “architectural features.” Claremont should be asked to share the above information with the Massachusetts Mattakeeset and Narragansett tribes and give them the opportunity to review the artifacts. This land originally belonged to the Titicut Reserve of the Mattakeeset - Massachusetts Tribe. One would think they would have a greater interest in these findings than a tribe located on Martha’s Vineyard.

From Section 6.4 Data Recovery

“This information recovery has mitigated the impacts from construction activities, effectively destroying the sites. However, a Post-Review Discovery Plan has been developed to address any unanticipated discoveries during construction.”

Is Claremont relying on bulldozer operators and construction workers to be able to recognize architectural artifacts? If not, who would be making these discoveries?

Next: *“This consultation included development of a plan to preserve in place four subsurface Native American features on the Bassett Site. A plan to remove an unmarked Native American feature from the Tomb Road Area B Site and **re-inter** it at another location selected by the MCIA and...”*

It appears that at least one deceased body was disinterred, based on the above language. There is no mention of what the status of these bodies is, and when and where they will be re-interred. Not enough information is provided for MEPA to make a determination, surely. Have native American bodies been found on this site? I think MEPA, the public, and all the above associated Indian tribes have the right to know. Also, is the above is the case, is there a possibility that additional bodies might be found during construction?

From Section 6.5 Northern Lot

“An archaeologically sensitive zone was identified in the Northern Parcel with the potential to contain unrecorded pre-contact Native American and post contact Euro-American sites. An intensive archaeological survey with subsurface testing conducted by PAL identified the Lakeshore Drive Site, an

*unrecorded Native American site. This site does not have sufficient integrity to be considered a potentially significant archaeological resource and **no further investigation is recommended.** The MHC has received **preliminary** memoranda on the results of the archaeological fieldwork on the sites. **It is not anticipated that additional mitigation measures,** beyond those already agreed upon with MHC and the Tribes, **will be necessary.** PAL continues to discuss the results of the completed mitigation fieldwork with interested parties. Once the final report is complete and reviewed by Claremont, the MHC, and the Tribes, a version will be available for the public.”*

Why is no further investigation necessary even though the report is incomplete and the MHC has only received a preliminary memo on it? This seems premature, especially since it has not been shared with more local tribes. I request that the site be carefully studied before such decisions are assumed. Also, a timeframe for the report is not provided. Finally, this information should be made public after the tribes have been consulted but BEFORE the SDEIR process concludes. Since this information has not yet been provided, the Public should be provided with the opportunity to comment once it does become public.

From Section 6.5 Preservation Restriction Agreement

*“As recommended by the MHC, a Preservation Restriction Agreement **will be developed** by Claremont in consultation with the MHC, the Mashpee Wampanoag Tribe, and Wampanoag Tribe of Gay Head /Aquinnah for the **reinterment location.**”*

I would like to request that MEPA not give approval until local tribes have been informed and that proper reinterment of any deceased has been confirmed, and subsequently what was found on this site is made public.

From Section 6.6 Underground Chamber on Lot 7

*“The stone chamber was not considered to be a potentially significant cultural resource and no further archaeological investigation was recommended. In **1984**, the MHC concurred with this recommendation.”*

Since a small test pit was dug nearly 40 years ago, and new advances and techniques in the field of Archaeology have subsequently been developed, I believe this warrants further study. The stone chamber could be much older than presumed.

JD 15 I urge the proponent to significantly scale down any development of the what is left of the original 150 plus acres of pristine upland and wetlands and if they are unwilling, that concerned state and local town agencies which exist to protect these natural resources and their associated communities insist that they do so.

Claremont Response: The proposed activities have been reduced overall from the DEIR with the elimination of the formerly proposed Assisted Living facility on Lot 4 and the condominiums on Lot 7. The development on Lot 7 has also been moved further from the wetlands than was previously proposed in the DEIR. In addition, increasing the height of the hotel on Lot 7 from four to five stories, allowed for the building footprint to be reduced by approximately 2,785 sf.

- **Jean DiBattista 10/26/2023 Response:**

THE PROPOSED DENSITY OF DEVELOPMENT HAS NOT CHANGED: Claremont has NOT reduced the entire footprint of the project, they have only agreed to “defer approval” by MEPA by 5 years for some of the buildings proposed in their original submission to MEPA (specifically, the assisted living facility and proposed condominiums). This area, roadways, surrounding neighborhoods, shallow lake, and wetlands **cannot handle this density of development.** Claremont should be required to **PERMANENTLY** reduce their building plans for this area by putting a permanent conservation restriction on all buildings/areas not included in **THIS** submission to MEPA.

The proposed hotel building on LOT 7 could then be moved further back from the 100 foot wetland NO BUILD BUFFER zone. The proposed restaurant should also be completely eliminated from their plans for the reasons previously stated.

Claremont’s proposed conservation restrictions include the ACTUAL wetlands and the 25 foot NO BUILD wetlands buffer zone. By both State and Local Wetland Protection Act rules, they are already 100% restricted from building in these areas. How is this a gain?

DESIGNATION
of the

HOCKOMOCK SWAMP AREA OF CRITICAL ENVIRONMENTAL CONCERN

LOCATED IN PORTIONS OF THE
CITY OF TAUNTON AND THE TOWNS OF
BRIDGEWATER, EASTON, NORTON, RAYNHAM AND WEST BRIDGEWATER

WITH SUPPORTING FINDINGS

Following an extensive formal review required by the regulations of the Executive Office of Environmental Affairs (301 CMR 12.00) including nomination review, on-site visits, research, public information meetings, a public hearing and written comment period, and evaluation of all public comments and assembled data, I, the Secretary of Environmental Affairs, hereby designate the Hockomock Swamp area, located in portions of the City of Taunton and the Towns of Bridgewater, Easton, Norton, Raynham and West Bridgewater as an Area of Critical Environmental Concern (ACEC). I take this action pursuant to the authority granted me under Massachusetts General Law Chapter 21A, Section 2(7).

I also hereby find that the wetland resource areas included in the Hockomock Swamp ACEC are significant to the protection of groundwater supply and public or private water supplies; the prevention of pollution, flood control, the prevention of storm damage, the protection of fisheries, and the protection of wildlife habitat; those public interests defined in the Wetlands Protection Act and regulations promulgated thereunder (MGL c. 131, s.40; 310 CMR 10.00).

I. Boundary of the Hockomock Swamp ACEC

Upon review of the boundaries as recommended in the nomination letter, subsequent recommendations made in testimony received and EOEa agency review, the final boundaries generally include the Hockomock Swamp and associated wetlands, water bodies and uplands as shown on the attached United States Geologic Survey (USGS) map. This map is taken from the USGS 1987 Taunton and 1987 Brockton, Massachusetts 1:25,000-scale metric maps. An official map is on file at the Massachusetts Department of Environmental Management, Division of Planning and Development.

The USGS map is supplemented by the attached Town of Raynham map showing the location of streets and roads not shown on the USGS map.

The boundary generally follows readily identifiable streets, roads, highways and other rights-of-way. Specifically, the boundary is defined as follows:

Beginning at the intersection of Elm Street and Center Street (Route 106) in West Bridgewater, the ACEC boundary proceeds westerly along Center Street to Church Street; north along Beacon Street

to West Street; north and west along West Street to Easton and Purchase Street; west and north along Purchase Street to Depot Street; west and southwest along Depot Street to Bay Road; south along Bay Road to Dean Street; east along Dean Street to Bay Road; south along Bay Road to Taunton and Bay Street to Interstate 495 (I-495); east along I-495 to Prospect Hill Street and Raynham; north along Prospect Hill Street to Bridge Street; east along Bridge Street to the MBTA railroad right-of-way; north along the railroad right-of-way to the 21-meter contour line behind the Raynham-Taunton racetrack; north and easterly along the 21-meter contour line to Broadway (Route 138); south along Broadway (Route 138) to Robinson Street; southeast along Robinson to Wilbur Street; east along Wilbur Street to Hall Street; south along Hall Street to Elm Street; west along Elm Street to Broadway; south along Broadway to the southerly edge of the eastbound entry ramp right-of-way of I-495; east along the southerly edge of the eastbound I-495 entry ramp right-of-way to Oak Street; south along Oak Street to Center Street; east along Center Street to Fairbanks Road; northeast along Fairbanks Road to the northeast edge of the cul-de-sac where lots 18E and 18F meet; northeast along the property line of lots 18E to Dimiz Drive; northwest along Dimiz Drive to Lounsbury Drive; northeast along Lounsbury Drive to Hewitt Drive; southeast along Hewitt Drive to North Main Street; North Main Street to Rogers Street; east and south along Rogers Street to Titicut Road; south along Titicut Road to Darrington Drive; south and east along Darrington Drive to Pleasant Street; northeast along Pleasant Street to Route 24; north along Route 24 to Bridgewater and Pleasant Street (Route 104); east along Pleasant Street to the utility power line right-of-way; northeast and north along the utility right-of-way, excluding the utility substation north and east of Route 104 and Elm Street as shown on the 1987 USGS maps, to West Bridgewater and South Street; north along South Street to Cross Street; west along Cross Street to Forest Street; north along Forest Street to River Street; west on River Street to Elm Street; north on Elm Street to Center Street (Route 106).

Unless otherwise specified, the boundary described above extends to and includes the entire width of the right-of-way of public and private street, roads and highways, and other rights-of-way such as utility rights-of-way and former railroad rights-of-way.

The final boundary described differs from the boundary suggested in the supplemental letter of nomination submitted July 26, 1989 in several ways. The boundary suggested in this letter did not include the entire resource area of the Hockomock Swamp. Consequently, the six communities in which the resource area is located were notified of the ACEC nomination, and comments on the entire resource area and appropriate boundaries were solicited. A map showing (1) a general boundary of the resource area of the Hockomock, Dead and Titicut Swamps and associated wetlands and water bodies, and (2) the boundary suggested in the supplemental letter of nomination was circulated to municipalities, regional planning organizations and state agencies, and to interested individuals and organizations upon request. The map was also shown at the public information meetings and the public hearing. The determination of the final boundary is based upon the public comments received, the environmental information gathered, and the analysis and recommendation of EOEa agencies.

The boundary includes the resource area shown on the map circulated during the public review process and other areas integral to the ACEC. In Easton, Little Cedar Swamp and the Black Brook

Watershed are included because the surface water bodies and extensive wetlands and floodplains flow directly into and area part of the Hockomock Swamp resource area. In addition, high and medium-yield aquifers north of Route 106 are connected to the groundwater system of the Hockomock Swamp. Further, rare and endangered species identified by the Massachusetts Natural Heritage & Endangered Species Program are located in the Little Cedar Swamp-Black Brook area. For similar reasons, the Coweeseet Brook corridor in West Bridgewater is also included within the ACEC.

In Raynham, the upland area between Prospect Hill Street and the former railroad right-of-way, now owned by the Massachusetts Bay Transit Authority (MBTA), is included because it drains directly into the swamp complex west of Prospect Hill Street and archaeologically sensitive areas identified by the Massachusetts Historical Commission are located here. Other final boundary adjustments in Raynham east of Route 138 include uplands draining directly into the Hockomock Swamp resource area, including Lake Nippenicket and the Dead Swamp. These uplands also include archaeologically sensitive areas.

The Department of Environmental Management, in the course of administering the review of the nomination, gathered several categories of environmental data regarding the Hockomock Swamp resource area. This information has been mapped using the Geographic Information System (GIS) of the Executive Office of Environmental Affairs. This mapped information, which was used to assist in the evaluation of the nomination and the determination of final boundaries, is part of the public record of the Hockomock Swamp ACEC designation. Copies of this map will be made available to the six municipalities to assist in the local and regional effort that is needed to protect and preserve the resources of the ACEC.

The area of the Hockomock Swamp ACEC is approximately 16,800 acres. The approximate area of the ACEC in each municipalities is as follows:

Bridgewater:	2,800 acres
Easton:	5,300 acres
Norton:	400 acres
Raynham:	2,700 acres
Taunton:	2,300 acres
West Bridgewater:	3,300 acres
Total	16,800 acres

II. Designation of the Resources of the Hockomock Swamp ACEC

In my letter of acceptance of the nomination as an ACEC, I stated that our evaluation indicated that it met the minimum regulatory threshold for consideration. The nomination cited the presence of nine of the resource categories listed in the ACEC regulations at 301 CMR 12.06 - all of the categories potentially applicable to an inland area. These categories include fishery habitat, inland wetlands, inland surface waters, water supply areas, natural hazard areas, agricultural areas, historical/archaeological resources, and special use areas. The public review process corroborated

the existence of these resource categories and provided additional information to support the designation of Hockomock Swamp as an Area of Critical Environmental Concern. As mentioned in the section above, the EOEA Geographic Information System was used to map and evaluate the complex of environmental features described in this designation.

Extensive wetlands, floodplains and water bodies are the core of the Hockomock Swamp ACEC. Wetlands and surface water bodies located in the ACEC are as follows: the Hockomock Swamp, in all six municipalities; the Dead Swamp, in Raynham; the Titicut Swamp, in Raynham and Bridgewater; the Little Cedar Swamp, in Easton; Lake Nippenicket, in Bridgewater and Raynham; Gushue and Hewitt Ponds, in Raynham; Nunkets Pond, in Bridgewater and Raynham; the Hockomock and Town River, in West Bridgewater and Bridgewater; the Snake River, in Norton and Taunton; the Black Brook, in Easton; and the Coweeseet, Flaggly Meadow, and Onemile Brooks in West Bridgewater.

The Hockomock Swamp is the largest vegetated freshwater wetland area in Massachusetts. The 'Hock' and associated wetlands and waer bodies act as a huge reservoir for both regional flood storage and water supply. The ACEC is part of the Taunton River Basin, and serves as the headwaters for the Town River. The surface waters of the ACEC are connected hydrologically to an extensive underlying system of high and medium yield aquifers. Two public supply wells for the Town of Raynham and one for the Town of West Bridgewater are located within the ACEC. Potential municipal well sites have been identified in the Towns of Bridgewater, Easton and Raynham.

The wetlands and waters of the Hockomock Swamp also provide the core of one of the most extensive inland wildlife habitats in southeastern Massachusetts. Thirteen rare and endangered species have been identified by the Natural Heritage & Endangered Species Program as occurring within the boundaries of the ACEC. These species occur in both wetland and upland areas. According to the Nature Conservancy in a December 14, 1989 letter, "the forested swamp and acid fen wetland communities of Hockomock Swamp and Lake Nippenicket are outstanding examples of these rare wetland types and support viable populations of several globally rare plants and animals." These populations are dependent upon the relationship between the soils surface and subsurface waters and other environmental characteristics of the area of the Hockomock Swamp. According to the Natural Heritage & Endangered Species Program, the identified species include the following: Long's bulrush ringed boghaunter dragonfly - gypsywort, Blanding's turtle, round-fruited false-loosestrife, two-flowered bladderwort, blue spotted salamander, spotted turtle, Mystic Valley amphipod, chain fern borer moth, Plymouth gentian, eastern box turtle and common barn owl.

The archaeological and historic resources located within and adjacent to the boundaries of the Hockomock Swamp ACEC are extensive. In a December 15, 1989 letter, the Massachusetts Historic Commission (MHC) states, "the potential quality and significance of the archaeological resources in the nominated area is enormous." Further, "the sites in the vicinity of this wetland complex are known to span a period of 9,000 years and represent a highly significant group of sites which could greatly contribute to our understanding of prehistoric settlement and subsistence in

Massachusetts." Numerous historic structures are located within the ACEC. The Old Bay Road Historic District in Easton, listed on the National register of Historic Places, is located along a boundary of the ACEC. The historic resources include features throughout the Colonial, Federal and Early Industrial Periods.

The special use areas of the ACEC include undeveloped, natural areas, public recreational areas and significant scenic sites. The approximately 5,000 acres of land owned by the Commonwealth's Division of Fisheries and Wildlife (DFW) provide public access for several forms of recreation, including boating, fishing, hunting, canoeing, picnicking, hiking, birdwatching, swimming and wintertime sports. The DFW property includes recreational areas located off Lincoln Street in Norton and Taunton and off Hall Street in Raynham and Bridgewater, a boat ramp on Lake Nippenicket off Route 104 in Bridgewater, and canoe landings on the Hockomock River off Route 106 in West Bridgewater and on the Snake River off I Bay Road in Norton. Vistas of Lake Nippenicket, Gushee and Hewitt Ponds in Raynham, and of the Town River and nearby farmlands in West Bridgewater are only a few of the examples of the scenic values of the area.

The resources of the Hockomock Swamp can only be summarized and highlighted here. Additional descriptions are provided in the letter of nomination and other materials submitted for the review of the nomination, and in the "Discussion of the Criteria for Designation" below.

The presence of these critical resources, and their relatively undisturbed nature within a developing area, clearly indicate their value to the region and the state.

III. Procedures Leading to ACEC Designation

On June 13, 1989, a letter of nomination signed by ten citizens of the Commonwealth pursuant to 301 CMR 12.05(1)(a), was received by my office. On July 11, a petition with 1,013 signatures showing support for the nomination was received by my office. On July 26 a supplemental letter of nomination, signed by ten citizens of the Commonwealth, was received by my office. The nomination was accepted formally by letter on September 20, and the review process began.

Correspondence regarding the nomination and review was sent by the Department of Environmental Management on my behalf to the nominating party, the six municipalities and others on October 3, and October 27, 1989. These letters and memos described the nomination, outlined the public participation process, including the scheduling of public information meetings and the public hearing, and solicited comments and suggestions regarding the resources of the nomination and appropriate boundaries for the proposed critical area. The nine State legislators representing the area communities were sent copies of all correspondence. Public information meetings were held on October 19 in Bridgewater, October 25 in Raynham and December 6 in West Bridgewater. A public hearing was held in Bridgewater on December 13, 1989. At the hearing oral testimony was received from 23 people, organizations, and municipal boards and commissions. A ten-day period for the submission of additional written comment followed the public hearing.

Notice of the acceptance of the nomination, the December 6 public information meeting, the December 13 public hearing and the ten-day written comment period, was published in the Taunton Gazette on November 7, the Brockton Enterprise on November 10. Numerous information articles appeared in the local and regional newspapers.

Written and oral testimony was received from numerous individuals and organizations and is on file at the offices of the Department of Environmental Management. Over 70 public comments were received in the course of the public participation and review process.

IV. Discussion of the Criteria for Designation

In the review process leading to the designation of a nominated area, the Secretary must consider the factors specified in Section 12.09 of the ACEC regulations regarding the designation of Areas of Critical Environmental Concern. As stated in these regulations, the factors need not be weighed equally, nor must all of these factors be present for an area to be designated. The strong presence of even a single factor may be sufficient for designation.

Based on the information presented in the original and supplemental nomination letters, at the public hearing, in written comment, and in agency research and review, I find the following factors relevant to the designated ACEC.

- (1) Threat to the Public Health through Inappropriate Use

The value of the Hockomock Swamp resource area for public water supply is critical. The natural geologic, soil and vegetation features of the ACEC receive precipitation, contain it as surface water, and allow it to percolate and recharge the underlying aquifer systems. In a November 14, 1989 letter, the Raynham Center Water District states that hydrogeologic studies performed indicate that the Hockomock and Titicut Swamp areas form a unique system where precipitation easily infiltrates into and recharges the aquifer, and it estimates that the original area nominated for ACEC designation contains over one trillion gallons of water in groundwater storage. The State Department of Environmental Protection's Division of Water Supply, in letters of October 19 and November 8, 1989, state that "the natural resources in these towns are of unquestionable value". That the U.S.G.S. Hydrogeologic Atlas Series notes several areas within the proposed boundary which have the potential to support wells, and that the "evaluation of potential impacts on the entire swamp system is likely to enhance protection of valuable drinking water supplies."

The municipalities and the region have a vital interest in the protection and preservation of these aquifers for existing and future water supply. At present, Raynham has two public water supply wells and West Bridgewater has one located in the ACEC. Other potential well sites have been identified. According to a November 22, 1989 letter from the Easton Water Division, "the (Division) has done a great deal of test well work in the Hockomock Swamp and has located a potential well site." The Town of Bridgewater has explored potential well sites near Nunkets Ponds. In its letter of comment, the Raynham Center Water District also states that it plans to develop one or more well sites in the Gushee/Hewitts Pond area.

The importance of the Hockomock Swamp area for public water supply is emphasized by the fact Bridgewater and Raynham have experienced water shortages in recent years and that a 1983 Massachusetts Water Resources Commission report states that West Bridgewater and Easton might face shortages. Over 90% of Raynham's water supply is provided by the two wells located at Lake Nippenicket. The vulnerability of the system to inappropriate use is demonstrated by the fact that both of these wells were closed in 1983 when unsafe levels of chemicals were detected. Continued development in the Taunton River Basin and in these six municipalities points to the need to provide both an abundant supply and high quality of public water.

The same natural features that provide for replenishment of the aquifers in this area also provide for critical flood control by holding stormwater and allowing it to be discharged more slowly into the Town and Snake Rivers. Inappropriate development could threaten this critical public health and safety function of the ACEC.

(2) Quality of the Natural Characteristics

The Hockomock Swamp resource area possesses outstanding natural resource qualities, as described above. The abundant wildlife of the Hockomock Swamp ACEC, and the presence of several rare and endangered species, are key indicators of the quality of the resource area. Similarly, the human use of the ACEC for water supply and outdoor recreation testifies to the quality of these values.

The great extent of the Hockomock, Dead, Titicut and Little Cedar Swamps, and associated wetlands and water bodies has helped to protect its resource quality. It is important for the future quality of these resources to preserve the integrity of the Hockomock Swamp ecosystem, including the adjacent uplands.

(3) Productivity

Another factor supporting designation of the Hockomock resource area is the richness of the area in terms of hosting a high diversity of animal and plant species. This diversity is described in the sections above. The productivity of the Hockomock Swamp resource area strongly supports ACEC designation, and should be sustained and enhanced through the shared stewardship of the resource by DFW and the six communities.

(4) Uniqueness of Area

The Hockomock Swamp clearly is unique in all of Massachusetts. It is the largest vegetated freshwater wetland in Massachusetts. Its significance is enhanced by the fact that so many resource features are present in this area - wetlands, floodplains, rivers and streams, lakes and ponds, extensive wildlife and rare and endangered species and natural areas, regional aquifers, farmlands, historic and archaeological resources, and scenic views and landscapes.

The uniqueness of the habitat of the Hockomock area cannot be overstated. According to the Massachusetts Division of Fisheries and Wildlife, the resource value of this area is immense. Hockomock Swamp is the largest inland swamp in southern New England, thus providing the mass so necessary and essential to the protection and perpetuation of various plant and animal species. Its mere size is an important factor in supporting plant and animal populations. As fragmentation continues elsewhere, the 'Hock' will become one of few places in eastern Massachusetts with relatively large and contiguous habitats. The large populations of breeding animals and plants will increasingly act as a supply center from which other, smaller areas will be colonized.

As a regional open space resource, the area is also unique. No other area in the region can compare to it for the variety of hunting, fishing, boating, canoeing, hiking and nature study activities available. In addition, the Hockomock Swamp area is a part of the Massachusetts Bay Circuit, a network of parks and open spaces located in fifty cities and towns surrounding the Boston metropolitan area. The Town River serves as a potential conservation and recreation corridor heading eastward, and the abandoned railroad bed owned by the MBTA is a potential recreation link to the north.

(5) Irreversibility of Impact

The Hockomock resource area is highly vulnerable to adverse impacts. Maintaining high water quality is important not only to preserving the surface and groundwater system as a source of public drinking water, but also for sustaining the interdependence of vegetation, wildlife and water resources. According to the Nature Conservancy's written comments regarding the nomination, "Upland groundwater recharge is a key process controlling water table levels and geochemical cycles intrinsically linking the terrestrial and aquatic systems." Contaminants discharged directly or indirectly into the resource area could irreversibly damage these systems.

(6) Imminence of Threat to the Resource

The proximity of Routes 24 and 106 and Interstate 495 to the Hockomock, Dead and Titicut Swamps, Lake Nippenicket, and their associated wetlands and water bodies is a direct and imminent threat to these resources and their environmental values. Runoff from these roadways can threaten the quality and overall viability of these water resources. In addition, regional growth trends indicate that residential, commercial and industrial development will continue, and will be located in proximity to major transportation routes.

The major threats are both the potential adverse impact of major development projects and the cumulative adverse impact of all development on the resources of the Hockomock Swamp resource area. All of the resource values are likely to be threatened, from water quality and supply to wildlife habitat to archaeological and historic resources.

(7) Magnitude of Impact

The potential adverse impact from changes to the area would be highly significant. The magnitude

of potential adverse impacts is in direct relationship to the value of the resource area to the residents of the Commonwealth. This enormous value and significance has been documented in the public review of the nomination and is restated in this designation.

(8) Economic Benefits

The value of the Hockomock Swamp to the long-term water supply needs of the region is clearly evident. The protection and preservation of the water resources of the ACEC is essential to the continued health and well-being of the local communities and the economy of the region. Other economic benefits include the recreational activities and the limited farming that the area supports.

(9) Supporting Factors

The nomination has received strong public support from local residents, environmental groups, and municipal boards and commissions regarding the intrinsic value of the area. Oral and written support of the nomination has been received from the following municipal boards and commissions: the Easton Board of Selectmen, Planning and Zoning Board, Conservation Commission, and Water Division; the Norton Conservation Commission; the Raynham Board of Selectmen and Board of Health, Planning Board, Conservation Commission, Raynham Center Water District, and North Raynham Water District; the Taunton Planning Board and Conservation Commission; and the West Bridgewater Board of Selectmen, Conservation Commission, and Historical Commission.

Many of these boards or commissions suggested additions to the general boundary shown on the map distributed for public comment. Opposing testimony was received from the Bridgewater Board of Selectmen and Industrial Commission regarding the inclusion of certain resource areas within the boundaries of the ACEC; the Bridgewater Conservation Commission wrote in support of the concept of the ACEC.

Oral and written support for the nomination was also received from the following environmental organizations; the Taunton River Watershed Alliance, the Natural Resources Trust of Easton, the Massachusetts Audubon Society, and the Nature Conservancy. Regarding area legislators, Representative William Venon from Easton wrote in support of the nomination. Seventy-three (73) oral and written comments received; sixty-nine (69) were in favor of designation.

Another indication of the value of the Hockomock Swamp is the fact that the Commonwealth's Division of Fisheries and Wildlife (DFW) has acquired approximately 5,200 acres located in all six communities and has established the Hockomock Swamp Wildlife Management Area. The need to protect and preserve this resource was identified by the Commonwealth as long ago as 1929, by the Governor's Committee on the Needs and Uses of Open Space. The land owned by the DFW forms a strong core for the long-term protection of the Hockomock Swamp ACEC.

An additional supporting factor for designation is the location of the approximately 16,800-acre critical resource area in six municipalities. There is a strong need to develop regional coordination,

reviews and actions to protect and preserve the resources of the ACEC. The Easton Conservation Commission, in its written comments regarding the nomination, suggested that a regional committee be formed for this purpose. I strongly support and recommend that such a group be established, and that the DFW be a participant in this group.

Conclusion

This designation concludes the nomination and review process, and begin a new effort to protect and preserve this critical environmental area. The designation is intended to focus the attention and efforts of citizens, communities, environmental organizations, and state and regional agencies on the critical value of Hockomock Swamp resource area, and to encourage and support the cooperative effort needed to ensure its long-term health and viability. The significance of this ACEC requires that the highest standards of environmental review and protection be applied to actions that may affect its resources.

I am pleased to designate the Hockomock Swamp as an Area of Critical Environmental Concern. I thank the many individuals, municipal boards and commissions, organizations and state and regional agencies who participated in the review of the nomination and who presented their concerns and recommendations, and congratulate the citizens who identified the need and initiated the designation.

(signed) John P. DeVillars
Secretary of Environmental Affairs

February 10, 1990

[Original document reformatted for ACEC Program website, January, 2005]

Patel, Purvi (EEA)

From: tschmuck@aol.com
Sent: Monday, October 30, 2023 5:42 PM
To: Patel, Purvi (EEA)
Subject: SDEIR: EEA #16558: Lakeshore Center Phase 4, Bridgewater MA

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

October 30, 2023

Rebecca Tepper, Secretary
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Attn: Ms. Purvi Patel

RE: Draft Environmental Impact Report: EEA #16558: Lakeshore Center Phase 4, Bridgewater MA

Dear Ms. Patel,

I am very concerned about the Lakeshore Center project for the following reasons stated below.

The proponent did not adequately address my concerns/comments to their last draft. Contrary to their belief, the northern stream has been determined (7/06/2023 on the USGS Topographical Maps) to be perennial and Claremont should be held to the Rivers Protection Act, which creates a 200 ft riverfront area that extends on both sides of streams. This stream drains the wetlands into Lake Nip which forms the headwaters of the Town River that feeds the Taunton River, a Wild and Scenic River. No work should be allowed within the 100-foot buffer zone. Claremont should be required to meet the most conservative buffer zone requirements. They should reduce their footprint accordingly.

The density of the project is detrimental to this environmentally sensitive area and there is no guarantee that Claremont will not propose other building projects in the future. The town of Bridgewater is limiting their water consumption to 100 gal per day for the entire project (existing as well as future builds). The project is within the area of the Zone II aquifer for the Town of Raynham. Additional information is needed as to the impacts of the previous phases of this development and any future potential impacts to Raynham's water supply.

How many acres of trees will be cleared? This will substantially increase the noise pollution in the immediate neighborhood. Tree cutting must be minimized in order to preserve the area and mitigate the impact of current and future climate change and reduce air pollution.

The proposed development will increase traffic substantially on Route 104 and will directly impact not only the residents of the neighborhood, but the towns of Bridgewater and Raynham not to mention public access

to the state boat ramp. The studies that have been conducted are not adequate and the mitigation measures proposed are not adequate. Exact dates, not during low traffic habits, but at various times including commuting times (am and pm) and peak summer boat ramp usage should be used for traffic studies.

The proposed restaurant on the Northern Site is completely in the flood zone, is not a part of the original project property nor does it abut it. No building should be allowed in flood zone. It is not considered a part of Bridgewater's Planned District and is zoned residential. It would contribute to noise and trash pollution on the shores of the lake. The restaurant should be placed (if at all) inside of the Lakeshore Center Complex.

The development of the hotel will significantly impact the archaeological sites. Not only will the history of these sites be disturbed but it is shocking to me that "one unmarked Native American feature will be reinterred elsewhere". Does this mean human remains were dug up? The final report of these historical sites has not been completed and SDEIR should not be considered until it has been received and all Native American groups, that may have an interest or history in the area, have been notified. These sites should be preserved in their natural wooded settings.

More green building practices should be employed. The proponent is committing to increase the rooftop PV-readiness, why not utilize solar panels on all of the buildings from the onset to reduce electric and heating fuel needs? I am also interested in seeing the proponent use more environmentally friendly materials in their paving of parking lots and roadways

Since Lakeshore Center Phase IV is totally within the Hockomock Swamp ACEC, MEPA should require the proponent to provide additional up-dated data and additional project alternatives that reduce the overall impacts to the wetlands, the lake and the surrounding community. Projects within an ACEC must be held to closer scrutiny to minimize adverse impacts to the environment and to ensure that the public will be able to enjoy the recreational benefits of the lake for generations to come.

Sincerely,

Linda Schmuck

15 Sunset Ln Bridgewater, MA 02324

Patel, Purvi (EEA)

From: Paula Millet <paulamillet09@gmail.com>
Sent: Monday, October 30, 2023 9:11 PM
To: Patel, Purvi (EEA)
Subject: Fwd: SDEIR: EEA #16558: Lakeshore Center Phase 4, Bridgewater MA

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I agree with Linda Schmuck on the her email on All points to your agency, as submitted.

Paula Millet
19 Spruce Street
Bridgewater, Ma.
02324

----- Forwarded message -----

From: Linda Schmuck <tschmuck@aol.com>
Date: Mon, Oct 30, 2023, 7:45 PM
Subject: Fwd: SDEIR: EEA #16558: Lakeshore Center Phase 4, Bridgewater MA
To: Paula Millet <paulamillet09@gmail.com>

Sent from my iPhone

Here's a copy of the letter I sent. If you haven't written already, feel free to copy all or part to add to your comments. Thanks, Linda

Sent from my iPhone

Begin forwarded message:

From: tschmuck@aol.com
Date: October 30, 2023 at 5:41:45 PM EDT
To: purvi.patel@mass.gov
Subject: SDEIR: EEA #16558: Lakeshore Center Phase 4, Bridgewater MA

October 30, 2023

Rebecca Tepper, Secretary
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Attn: Ms. Purvi Patel

RE: Draft Environmental Impact Report: EEA #16558: Lakeshore Center Phase 4, Bridgewater MA

Dear Ms. Patel,

I am very concerned about the Lakeshore Center project for the following reasons stated below.

The proponent did not adequately address my concerns/comments to their last draft. Contrary to their belief, the northern stream has been determined (7/06/2023 on the USGS Topographical Maps) to be perennial and Claremont should be held to the Rivers Protection Act, which creates a 200 ft riverfront area that extends on both sides of streams. This stream drains the wetlands into Lake Nip which forms the headwaters of the Town River that feeds the Taunton River, a Wild and Scenic River. No work should be allowed within the 100-foot buffer zone. Claremont should be required to meet the most conservative buffer zone requirements. They should reduce their footprint accordingly.

The density of the project is detrimental to this environmentally sensitive area and there is no guarantee that Claremont will not propose other building projects in the future. The town of Bridgewater is limiting their water consumption to 100 gal per day for the entire project (existing as well as future builds). The project is within the area of the Zone II aquifer for the Town of Raynham. Additional information is needed as to the impacts of the previous phases of this development and any future potential impacts to Raynham's water supply.

How many acres of trees will be cleared? This will substantially increase the noise pollution in the immediate neighborhood. Tree cutting must be minimized in order to preserve the area and mitigate the impact of current and future climate change and reduce air pollution.

The proposed development will increase traffic substantially on Route 104 and will directly impact not only the residents of the neighborhood, but the towns of Bridgewater and Raynham not to mention public access to the state boat ramp. The studies that have been conducted are not adequate and the mitigation measures proposed are not adequate. Exact dates, not during low traffic habits, but at various times including commuting times (am and pm) and peak summer boat ramp usage should be used for traffic studies.

The proposed restaurant on the Northern Site is completely in the flood zone, is not a part of the original project property nor does it abut it. No building should be allowed in flood zone. It is not considered a part of Bridgewater's Planned District and is zoned residential. It would contribute to noise and trash pollution on the shores of the lake. The restaurant should be placed (if at all) inside of the Lakeshore Center Complex.

The development of the hotel will significantly impact the archaeological sites. Not only will the history of these sites be disturbed but it is shocking to me that

“one unmarked Native American feature will be reinterred elsewhere”. Does this mean human remains were dug up? The final report of these historical sites has not been completed and SDEIR should not be considered until it has been received and all Native American groups, that may have an interest or history in the area, have been notified. These sites should be preserved in their natural wooded settings.

More green building practices should be employed. The proponent is committing to increase the rooftop PV-readiness, why not utilize solar panels on all of the buildings from the onset to reduce electric and heating fuel needs? I am also interested in seeing the proponent use more environmentally friendly materials in their paving of parking lots and roadways

Since Lakeshore Center Phase IV is totally within the Hockomock Swamp ACEC, MEPA should require the proponent to provide additional up-dated data and additional project alternatives that reduce the overall impacts to the wetlands, the lake and the surrounding community. Projects within an ACEC must be held to closer scrutiny to minimize adverse impacts to the environment and to ensure that the public will be able to enjoy the recreational benefits of the lake for generations to come.

Sincerely,
Linda Schmuck
15 Sunset Ln Bridgewater, MA 02324

Patel, Purvi (EEA)

From: Ethan Tran <eqtrann@gmail.com>
Sent: Tuesday, October 31, 2023 7:49 PM
To: Patel, Purvi (EEA)
Subject: Nippenicket Development

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Protect our naturally produced lakes! Nippenicket is a Great Lake, the last thing it needs is more shore developments. I fish there often. It is a beautiful place, Massachusetts ponds and lakes are constantly threatened by human developments. From the western MA to Barnstable, beautiful scenic naturally made ponds continue to be scarred by pollution and other man made intrusions.

Sent from my iPhone

Patel, Purvi (EEA)

From: Lynne Nivica <lynnenivica299@comcast.net>
Sent: Wednesday, November 1, 2023 5:55 AM
To: Patel, Purvi (EEA)
Subject: Claremont proposal

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Please take the suggestions and environmental concerns of the Nip Group very seriously!

Lynne NIVICA
Pleasant St
Bridgewater

Patel, Purvi (EEA)

From: Patti M <patticakes2003@msn.com>
Sent: Wednesday, November 1, 2023 11:02 AM
To: Patel, Purvi (EEA)
Subject: The Rt 104 Lakeshore project phase 4

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To whom it may concern,

I am writing in firm opposition to any more development along Rt 104 also known as The Lakeshore Project. There has been so much (too much) disruption to the environment in a an ecologically fragile environment, forcing vulnerable wildlife out of the safety of the protective woods and wetlands. This project will do irreversible damage. All along the Hockamock swamp and Taunton watershed areas. Both of these are already facing environmental disruption with the expansion of the commuter rail along this watershed. So my vote is a definite NO!

Regards,

Patricia T McEntee
685 Bay Street #12
Taunton, MA 02780

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Patel, Purvi (EEA)

From: Vlad Kononchuk <konatyuchuk@gmail.com>
Sent: Wednesday, November 1, 2023 1:02 PM
To: Patel, Purvi (EEA)
Subject: Lake Nippennicket

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon sir/ma'am,

I'm strongly opposed to any commercial construction near our natural bodies of water. We need to do everything to preserve those ecosystems for ourselves and future generations. Build elsewhere or don't build at all. Construction of this kind in Plymouth has blocked freedom of access to ponds that all Americans should have a right to visit and enjoy. There's a million cafes and a plethora of ugly unaffordable housing in Massachusetts, keep them away from our lakes. Preserve Massachusetts for the people of Massachusetts.

v/r

-A pissed off veteran.

Patel, Purvi (EEA)

From: Sandra Fosgate <info@email.actionnetwork.org>
Sent: Saturday, November 4, 2023 9:15 AM
To: Patel, Purvi (EEA)
Subject: Draft Environmental Impact Report: EEA #16558: Lakeshore Center Phase 4, Bridgewater MA

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Ms. Purvi Patel,

Dear Ms. Patel:

Please look into the proposed “Lakeshore Center Phase IV” development in Bridgewater while there is still time.

We in Southeastern MA have lost so much sensitive habitat. We repeatedly mourn lost places, but more importantly, we fear for essentials such as safe drinking water. Many local, State, and federal agencies have partnered in efforts to restore critical habitat and aquifer protection in places such as Tidmarsh in Plymouth, at great taxpayer expense.

Meanwhile, the State allows critical habitat, which already provides long-term benefits such as air and water treatment free of charge to State residents, to be destroyed by individuals for their own short-term profit.

This practice is unsound fiscally and morally. Just as we have rethought the concept of “ownership” over women, children, animals, and people who weren’t born in the “right” places or into fortunate segments of society, we need to update our thinking about land and water. It is more than “private property”, and there is a common interest in and responsibility to protect it from assault.

Thank you for this opportunity to contribute. Thank you for your service, and wishing you all the best in your efforts to stand up for the current and future environment of our Commonwealth.

Sincerely,

Sandra Fosgate

fsgatesandy@gmail.com

22 Jaye St

Plymouth, Massachusetts 02360

Patel, Purvi (EEA)

From: Donna Hanson <dl98hanson@comcast.net>
Sent: Sunday, November 5, 2023 9:48 AM
To: Patel, Purvi (EEA)
Subject: Opposition to Claremont Lake Shore Center Phase 4

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Dear Honorable Purvi Patel:

As a longtime resident of Bridgewater, I have witnessed the creeping destruction of its natural landscape and existing harm to wildlife. Lake Shore Center Phase 4 is a devastating proposal to the town of Bridgewater. Most of us DON'T want the completely unnecessary restaurant, for starters.

Impervious surfaces (asphalt parking lots and huge building surfaces) will cause irreversible damage to the perennial stream, which is a small waterway into the Nip. The perennial stream has a LOT to do with the health of the lake, the Town River, and eventually the health of the Taunton River Watershed, as well as the Hockomock Swamp.

(Impervious means that there is no place for water to go instead of being absorbed by the bare ground. Thus, storm surge.)

The administrator of the "Friends of Lake Nippenicket" will be covering the bylaws and legal terms of protection of the lake in her letter or email to you.

This whole project will be permanently damaging to our priceless lake. It will eventually cause the complete destruction of a huge ecological area: the Town River, part of the Taunton River Watershed. It is a peaceful place, and one of the last unsullied sections of our town. It is also within the lands of the Hockomock Swamp, a Native American Hallowed ground. (The place of the Spirits).

From what I understand, the developer is cramming as much construction as he can within and up to the wetland buffer zone. It's too close for comfort. It will still affect the perennial stream by pollution and storm surge caused by the impervious surface that I mentioned.

Heavy construction equipment would do way more damage than Claremont thinks it would. With heavy equipment, there is dirt removal, (a fairly large amount); leaking oil and gas from the equipment itself, and more and clearance of the area than the developer realizes to get the restaurant built. You can see for yourselves the huge footprint construction sites cause . . . storage of materials, huge equipment, and more runoff of pollutants. Construction is no small thing.

In a heavy precipitation event, impervious surfaces can't absorb extreme amounts of rainwater into the ground leaving the extreme amount of water with no place to go except into the perennial stream. With the excess water, all parking lot debris and fossil fuel pollutants cause the polluted storm surge waste to be carried far and wide downstream into critical aquatic systems. I'm told the rising lake water sometimes floods the residents' yards on Lakeside Road.

Here are examples of the areas of concern:

The lake itself is the headwaters to the Town River (I live very close)
Concerning the Town River, the construction project is not only to rebuild the bridge, but to also remove the dam to help the Herring population return. Waste, garbage from restaurant and pollution caused by the (main culprit of damage) large, impervious blacktop, will eventually make the return of the natural Herring stock become null and void.

There are other areas of concern my fellow Bridgewater residents will be addressing, such as:

Unsustainable traffic, more back-up and gridlock to the Route 24 exchange and Route 104, an already strained water and sewer system, residents' concerns about getting out of their own street safely, acres and acres of mature trees being destroyed (at the Boat Ramp, 3 beautiful mature pine trees would be gone, I am sure).

Why don't you understand that the Café included with a drive up component would add even more automobile congestion! And trash from unsecured dumpsters and carless people throwing cups, straws, and napkins out their car windows.

This Lake Shore Center Phase 4 proposal does not do one positive thing for our town. Frankly, it is greedy, unnecessary, and selfish. I drove around what is already built (Lakeshore Center), and enough is enough.

Why don't you develop our weed filled, empty lots in the downtown area instead? We need a good restaurant there, and the old Friendly's and Bowling Alley could be torn down to make way for the assisted living housing Claremont is proposing. That's what is needed in Bridgewater.

This town is just a "pass-through town" to get off Route 24 onto the main routes to other towns. And around 2:30 to 6:00 pm there is traffic already as far as the eye can see.

There are buildings in the center you could buy, there are empty lots that could be made into park and rides, the Common could be made more pedestrian friendly There could be so much good done to save natural habitat for flora and fauna, and critical threatened ecological systems. Claremont has money; tear down the last shoe factory and put your offices or condos there! People in your Lakeshore center probably never come to the center of our town. There is nothing there.

You should not be allowed to create such a huge footprint of development in this town.

If you did things I have just suggested, you wouldn't be so hated. (I'm not supposed to say things like that, but this is a bad thing for our town and sometimes people get emotional).

Bad, bad, bad for Bridgewater.

Sincerely,

Donna Hanson

PO Box 1091

Pembroke, MA 02359

(This is my mailing address: I reside in Bridgewater)

Patel, Purvi (EEA)

From: Donna Hanson <dl98hanson@comcast.net>
Sent: Monday, November 6, 2023 6:58 AM
To: Patel, Purvi (EEA)
Subject: Draft Environmental Impact Report: EEA #16558: Lakeshore Center Phase 4, Bridgewater MA

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Ms. Purvi Patel,

Dear Ms. Patel:

Projects within an ACEC are subject to closer scrutiny to avoid or minimize adverse environmental impacts. Lakeshore Center Phase IV is within the Hockomock Swamp ACEC. MEPA should require the proponent to provide additional studies, data, and project alternatives that reduce environmental impacts and overall impacts to the surrounding community.

Issues of concern include:

SCALE OF DEVELOPMENT:

The proponent's revised plans that removed two building projects represent a scale of development that will not be sustainable to this environmentally sensitive area. No limits have yet been set on further development meaning that other projects could be proposed in the future.

ENVIRONMENT:

The project impacts an Area of Critical Environmental Concern, the Hockomock Swamp, including Lake Nippenicket the headwaters of the Town River (and a Great Pond) and its nearby wetlands. Fourteen acres of trees will be cleared; the projects will be stretched to the 25-foot wetland buffer zone and extensive grading will occur on some sites. This will have significant impact on the surrounding wildlife, especially from destruction of habitat, noise, air, and light pollution. Lake Nippenicket forms the headwaters of the Town River, which is one of two main tributaries that feed the Taunton River, a Wild and Scenic River. This project

requires an extensive review by MEPA with the focus to avoid all adverse environmental impacts. This includes not allowing any work within the 100-foot buffer zone. Tree cutting must be minimized. No building should be allowed in flood zones. Green building practices should be employed.

HISTORIC AND ARCHAEOLOGICAL FINDINGS:

Within Lots 6 & 7 the development will impact significant archaeological sites (Bassett Site (19-PL-497) and Tomb Road, Area B Site (19-PL-498). Four subsurface Native American features will be preserved in place on the Bassett Site, however, one unmarked Native American feature from the Tomb Road Area B site will be reinterred elsewhere and this is noted to be pending. SDEIR should not be considered until this is completed. The proponent found an unrecorded Native American site on the Northern Site but then indicated no significant archaeological findings. The final report has not been completed and SDEIR should not be considered until it has been received. An underground stone chamber will be left in place, however, the area around it will be cleared of trees to make way for stormwater management and parking. This is not an acceptable solution for the preservation of the stone chamber that should be preserved in its natural wooded setting.

TRAFFIC:

The proposed development will increase traffic substantially on Route 104, increase CO2 and impact surrounding neighborhoods, commuters, and all members of the public utilizing the lake and its boat ramp. Five curb cuts are planned within a short span of road that is also impacted by exiting traffic from the Route 24 South offramp. Mitigation measures proposed are not adequate.

WATER USAGE:

The project will increase water usage and Bridgewater is already on "Restricted Water Usage". More information needs to be provided regarding Bridgewater's water needs and capacity and how the project will impact Bridgewater.

ZONE II AQUIFER:

The project is within the area of the Zone II aquifer for the Town of Raynham. Additional information is needed as to the impacts of the previous phases of this development and any future potential impacts to this water supply.

NORTHERN STREAM:

Data supplied in the proponent's determination of the classification of the Northern Stream

needs to be updated. According to the USGS Geological Survey Topographical Maps, the Northern Stream is perennial and entitled to the protections of the Rivers Protection Act.

With kind regards.

(PS: I know this is my second letter, but it states more clearly what I was trying to say in the first email. I kind of confused MEPA with Claremont interests)

Donna Hanson

Donna Hanson

dl98hanson@comcast.net

31 Bolton Place

Bridgewater , Massachusetts 02324

Patel, Purvi (EEA)

From: Janet Hanson <jnhanson1@verizon.net>
Sent: Sunday, November 5, 2023 8:01 PM
To: Patel, Purvi (EEA)
Cc: zzTepper, Rebecca (AGO)
Subject: EEA #16558: Lakeshore Center Pahase 4, Bridgewater, MA

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Rebecca Tepper, Secretary
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Dear Ms. Purvi Patel

I am writing this to show my concerns with the Lake Shore Center Phase 4, subject of EEA#16558, in Bridgewater, MA. The entirety of this area is within the Hockomock Swamp which is an Area of Environmental Concern (ACEC). The proposed projects do not protect that area. Right now they have one project set before the Bridgewater Planning Board requesting a 5 story Hotel set back so it is close to a perineal stream that connects to the Lake Nippenicket which they do not even show on their plans presented to the town. Plus a portion of the hotel and parking spaces are within the 100 foot buffer. They have intentions on cutting 4-6 acres of trees in front the hotel but are not saying why they need this area cut except that they made need it for shared parking with no further explanation. They are now planning on saving 6 trees and cutting the rest. They also have not explained why the hotel needs to be set back so far making it dangerously close to the stream. The area has changed considerably. We are trying to protect the Hockomock swamp and Lake Nippenicket.

Their future plans include attempting to build a 179 seat restaurant right on the edge of the lake which should not be allowed. The current zoning doesn't allow for it but they will be attempting to change the zoning just like they did a few years ago before they abandon the idea. The area does not support that restaurant. It would not benefit the lake at all. It would change the area, risk polluting the lake plus the noise and lights would be a great factor for not just the residents but mainly for the wildlife. This is an ACEC and all of the proposed projects in addition to what is already there is not beneficial to the wetlands, wildlife, trees, etc. There are already areas where the trees have died due to disturbances of the wetland.

While they are not planning on building anything but the Hotel at this time, they have plans to further develop the rest of the area and will need to resubmit a Notice of Project Change to MEPA at that time. They are doing it in piecemeal which doesn't give people a clear picture of what they want the area to look like and how much of the area will be destroyed by their numerous plans. There are endangered species within the area also.

As I am sure you are aware, Projects within an ACEC are to be reviewed with closer scrutiny to avoid or minimize adverse environmental impacts. During this MEPA review the entire Project including any likely future expansions should be considered and not be done in phases. It is dangerous to do separately as it can be misleading and risky.

I urge the MEPA review committee carefully look at all the plans and the impact they would have on the vegetation, wildlife, lake, water supplies, noise, lighting, historical areas (tomb), etc. This area has long history and needs to be protected. So many issues with the proposed plans. I am not as fluent as some people are in expressing the exact details but I wanted to write to let you know that there are many people in Bridgewater that are concerned about this project. I am not an abutter but a concerned long time resident. This area is beautiful and it would be a shame to let it disappear. Please find that the SDEIR for Lakeshore Center Phase IV, EEA #16558 does not comply as the project's environmental impacts have not been adequately analyzed.

Thank you.

Janet Hanson

Bridgewater, MA

Patel, Purvi (EEA)

From: Robert DiBattista <info@email.actionnetwork.org>
Sent: Sunday, November 5, 2023 7:39 PM
To: Patel, Purvi (EEA)
Subject: Draft Environmental Impact Report: EEA #16558: Lakeshore Center Phase 4, Bridgewater MA

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Ms. Purvi Patel,

Dear Ms. Patel,

The Lakeshore Center project is within a designated Area of Critical Environmental Concern (ACEC). By definition an ACEC is a place in Massachusetts that receives special recognition because of the quality, uniqueness, and significance of its natural and cultural resources. The very purpose of the Areas of Critical Environmental Concern (ACEC) Program is to preserve, restore, and enhance critical environmental resources and resource areas of the Commonwealth of Massachusetts.

To uphold this standard I'm writing to request that MEPA stops all further development in the Hockomock Swamp Area of Critical Environmental Concern.

Robert DiBattista
robert.dibattista@gmail.com
260 Lakeside Dr
Bridgewater, Massachusetts 02324

Patel, Purvi (EEA)

From: Eileen Hiney <eileenhiney22@gmail.com>
Sent: Monday, November 6, 2023 1:45 PM
To: Patel, Purvi (EEA)
Subject: Comment Letter Claremont SDEIR
Attachments: ClaremontSDEIR_OSCLtr11_6_23.pdf

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Dear Ms. Patel,

Attached are the comments of the Bridgewater Open Space Committee on the SDEIR for the Lakeshore Phase 4 development. We hope they are useful to your review.

Thank you.

Eileen Hiney, Chair
Bridgewater Open Space Committee
eileenhiney22@gmail.com

COMMENTS OF BRIDGEWATER OPEN SPACE COMMITTEE
IN RESPONSE TO LAKESHORE CENTER PHASE 4
SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT DATED 9/15/2023

November 6, 2023
Rebecca Tepper, Secretary
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Emailed to: purvi.patel@state.mass.us
Environmental Analyst
MEPA Office

Subject: EEA Project #16558; SDEIR 9/15/2023, Lakeshore Center Phase 4, Bridgewater

Dear Secretary Tepper and Ms. Patel:

The Bridgewater Open Space Committee (OSC) submits these comments in response to the SDEIR submitted by Claremont Companies.

Land Alteration, Wetlands and Stormwater

On June 5, 2023, the OSC submitted comments to the Bridgewater Planning Board concerning the hotel, which is the only element of Phase 4 currently under review at the town level. The concerns and issues raised in our comments related to the hotel are of even greater importance and concern given the scope of the project under review by MEPA in the latest iteration of Phase 4. The project described in the SDEIR includes a hotel as well as a drive-through fast food establishment, a 55+ residential community, and a restaurant on the shore of Lake Nippenicket.

The OSC 6/5/23 comments to the Planning Board noted:

The plans do not indicate the extent of the existing forest/tree line.

The applicant does not indicate the extent of tree clearing and does not appear to have made any attempt to avoid tree clearing.

The project may result in approximately 5 acres of clearcutting of continuous forested lands.

Plans appear to propose clear cutting up to the 25-foot buffer to Bordering Vegetated Wetlands.

It is not clear whether a buffer for tree clearing is provided adjacent to Pleasant Street.

The applicant should minimize clear cutting and flag and protect large diameter trees within the 100-foot buffer zone and along Pleasant Street.

In addition to tree clearing for impervious surfaces such as the proposed hotel, parking lot, and circulation roads, the project also proposes to clear cut approximately 1-acre of forest to build stormwater detention basins. A low impact development approach could consider a simple open air parking structure to reduce the impervious footprint and clear cutting – particularly clear cutting for stormwater management. The applicant’s proposed stormwater management strategy includes the use of catch basins, manholes, storm drains, and large detention basins.

This traditional approach does not acknowledge the sensitive hydrology and ecology of the surrounding area, nor does it utilize current best practices for resilient stormwater management. We recommend the proposed development consider the use of low impact development techniques, green infrastructure techniques, and ecological stormwater strategies. We recommend the Applicant consider the use of porous pavement and green infrastructure strategies such as bioretention and green roofs to reduce the additional land to be clear cut for stormwater detention basins that offer no ecological value. In lieu of detention basins, we recommend the applicant consider a strategy such as constructed stormwater wetlands (in combination with the above-mentioned green infrastructure approaches), which provide a higher ecological value in recognition of the surrounding environment.

Similar issues were raised at page 23 of MEPA’s Certificate requiring a SDEIR:

*“The SDEIR should continue to identify opportunities to increase resilience through enhancement of the site, including retention of mature trees on-site, increased open space and permeable surfaces. It should demonstrate that the Proponent is developing appropriate strategies to adapt to extreme heat conditions throughout the useful life of the project beyond the minimal measures proposed in the DEIR. **The SDEIR should document all efforts taken to maximize the use of LID strategies for stormwater management, including rain gardens, bioretention areas, tree box filters, water quality swales. and green roofs.**” (Emphasis added.)*

The proponent’s responses to these comments from MEPA and other commenters are generally subjective, unsubstantiated assertions such as:

- there will be no harm;
- impacts will be minimal;
- impacts will be avoided to the greatest extent possible
- Claremont has done all that is feasible to minimize impacts and to meet standards;
- Doing anything more is not financially feasible;
- impacts will be reviewed by the Bridgewater Conservation Commission, Planning Board or Town Council.

The proponent asserts a number of times that “Low Impact Development (LID) techniques will be utilized in site design and development.” It also states that it is doing so “to the extent practical” and if “financially feasible”. There is little, if any, technical or financial analysis to support these assertions.

If a LID technique is available, the proponent should be required to clearly demonstrate why it is “impractical” and “infeasible” for this project. Additional costs, within reason, for more protective measures should not absolve the developer of the responsibility of implementing them; this should be viewed as a necessary, and not unexpected expense, of a project in an ACEC.

At the most recent Planning Board hearing the applicant offered to preserve a small number (15-20) of large trees in one section of land it proposed to clear-cut. This is a small step in the right direction, but is not a serious effort to make up for the loss of the extensive tree cover that is proposed. The SDEIR makes no mention of incorporating the LID strategies suggested by the Open Space Committee or MEPA. The applicant noted during a recent Planning Board hearing that it had looked into permeable pavement and found it may not be appropriate for highly sensitive areas. The applicant has also proposed placing a conservation restriction on portions of the project site. This is a positive step but

does not diminish the impacts of the proposed project as the potentially protected properties are wetlands and not suitable for development.

Partial Review

It is important to avoid additional partial review of this overall site, especially given the proponents shifting proposals and its long history of changing the scope and focus of its development plans over more than 30 years.

The June 14, 2022 comments submitted by the Taunton River Watershed Council (TRWC) reflect an understanding of the impacts of the Claremont project *in its entirety* - both the existing development and the current proposal. As the TRWC points out, merely meeting the Massachusetts State Stormwater Standards is not adequate given the sensitivity of the ACEC and given the concern that the Lake may have reached, and even exceeded, its capacity to absorb additional pollutants. The TRWC comments provide a blueprint for the stricter standards, restrictions, and short-and-long term operational parameters that would minimize through, reasonable, feasible ways, the serious long-term impacts that Phase 4 may have on the ACEC. The TRWA also states: *We believe that stormwater management, including remediation of existing inadequate storm controls from previous phases, should assure no discharge of stormwater to the perennial stream, Lake Nippenicket and ultimately the phosphorus impaired Town River...* The OSC strongly supports this approach as the ACEC has already been harmed by existing development near Lake Nippenicket, the waters of which are designated as "impaired."

In the SDEIR, the proponent has reduced the size of the project. However, this is not a final or even long-term commitment. Rather, it may only defer further development for five years. The impacts of the Lakeshore Development are cumulative. Splitting the proposal into a present and a potential future development scenario avoids an analysis of the long-term impacts of the entire project and should be deemed unacceptable to the long-term environmental integrity of the ACEC.

Proposed Restaurant and Drive-Thru "Café"

The most egregious failure of the proponent in this latest filing is its unwillingness to eliminate a restaurant on the shore of Lake Nippenicket. It responds to prior comments on the damage that a restaurant will cause to the lake environment by stating that it will "limit or avoid adverse impacts *to the greatest extent possible*". This is not an acceptable standard. The North Lot, if left as is or converted to a small lakeside park, would provide a buffer from runoff from the rest of Phase 4 and the already existing development. A "no-restaurant" option would also protect the views of the Lake from Route 104, reduce traffic to the area from customers and trucks that will service the restaurant, and eliminate the impervious service created by 59 parking spaces and the restaurant building. The North Lot was not part of the numerous other proposals for this area that Claremont made in the past. A restaurant at this location has never been essential to the proponent's plans for the area. **Abandoning the restaurant is a reasonable and feasible way to avoid, minimize and mitigate the impact of the other components of the project. This might give some credence to the proponent's assertion that it will reduce adverse impacts "to the greatest extent possible."**

In earlier comments we also pointed out that the town's Open Space Plan identifies a number of potential Scenic Ways including Lakeside Drive along the edge of Lake Nippenicket. Notwithstanding the proponent's response that *"Overall scenic views to and from the lake will not be significantly changed,"*

a restaurant on the edge of the Lake will detract from scenic views of the Lake for people driving on Route 104 and Lakeside Drive, kayakers and boaters, and anyone who enjoys viewing the lake or watching the sunset from the boat ramp area. The proponent's comment that it will not is specious,

A drive-through "café" on Lot 1 is another element of the proposal that creates additional, unnecessary, adverse impacts. This element will entail 19 parking spaces, create additional traffic on Route 104 and within the complex itself, and unquestionably generate litter and trash that will end up in the Lake and surrounding wetlands. **Eliminating the "café" is a reasonable, feasible way to minimize the overall impacts of the Phase 4 Proposal.**

Thank you for your consideration of the Open Space Committee's comments. In summary, we believe the developer continues to pursue a "business as usual" approach with only minor improvements solely aimed at securing the approvals it needs. It is disturbing that the SDEIR does not acknowledge or address the need for a different approach in an ACEC, and the climate change crisis. We hope that the committed opposition of the community because of the environmental degradation it will undoubtedly cause, will not go unheeded.

Respectfully submitted,

Bridgewater Open Space Committee
Eileen Hiney, Chair
Nicole Holmes
Maureen Minasian
Michael Silvia
Lauren Webb

CC: Bridgewater Planning Board members

Patel, Purvi (EEA)

From: Lake Nippenicket Action Focus Team LNAFT <LNAFT@outlook.com>
Sent: Friday, November 3, 2023 9:16 AM
To: Patel, Purvi (EEA); Patel, Purvi (EEA)
Cc: Lucien, Lionel (DOT); McClees, Whitney (DEP); Bell, Ed (SEC); Erik; CED; Amy Engelhardt; RCWD Commissioners; Gloria Bancroft
Subject: EEA: #16558 / Lakeshore Center Phase IV SDEIR (LNAFT: Lake Nippenicket Action Focus Team)
Attachments: LNAFT Comments_SDEIR_EEA 16558_110323.pdf

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Purvi:

Please find attached comments from the Lake Nippenicket Action Focus Team (LNAFT) with regard to the SDEIR for Lakeshore Center Phase IV (EEA# 16558).

Please confirm receipt by return email. Thank you!

With kind regards,

Melissa Ramondetta

Coordinator, Lake Nippenicket Action Focus Team (LNAFT)

November 3, 2023

Rebecca Tepper, Secretary
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Attn: Ms. Purvi Patel

Dear Ms. Patel:

RE: Draft Environmental Impact Report:
EEA #16558: Lakeshore Center Phase 4, Bridgewater MA

Dear Ms. Patel:

The entirety of Lakeshore Center Phase IV, the subject of EEA #16558 and this Supplementary Draft Environmental Impact Report resides within The Hockomock Swamp Area of Critical Environmental Concern (ACEC). The Hockomock Swamp's associated wetlands and water bodies, including Lake Nippenicket are described as the largest vegetated freshwater wetland system in Massachusetts with outstanding natural resource qualities. The wooded, coniferous and shrub swamps within Lakeshore Center Phase IV serve within the watershed of the Taunton River and as the headwaters of the Town River, a tributary of the Taunton River. Phase IV of Lakeshore Center is within the Zone II Medium Yield Aquifer for the Town of Raynham.

Designation of an ACEC increases environmental oversight by increasing state permitting standards through elevated performance standards and lowering thresholds for review. As noted on the [ACEC website](#), *Projects within an ACEC that are subject to state agency jurisdiction or regulation, particularly those that are initiated by an agency, require a state permit, or are funded by a state agency, are reviewed with closer scrutiny to avoid or minimize adverse environmental impacts.*

MEPA should find that the SDEIR for Lakeshore Center Phase IV, EEA #16558 does not comply as the project's environmental impacts and mitigation measures have not been adequately analyzed:

Improper Segmentation:

The proposed project includes a 179-seat restaurant, a one story, approximately 1800 square foot drive through cafe; a 4-story, 225 unit 55+ residential community; and a five story 110 room hotel. The project will disturb 18.4 acres of land and create 7.31 acres of new impervious area. It should be noted that although the proponent has reduced the size of the project in the SDEIR by removing the assisted living community and condominiums shown on Lots 4 and 7 in the ENF and DEIR, they have made clear in the SDEIR in a footnote on page 1-18 that "Should any additional future development be proposed on Lot 4 or 7, the Proponent will file a Notice of Project Change with the MEPA Office so that the proposal undergoes the appropriate MEPA review at that time." 301 CMR 11.01(c) clearly states that In determining whether a Project is subject to MEPA jurisdiction or meets or exceeds any review thresholds, and during MEPA review, the Proponent, any Participating Agency, and the Secretary shall consider the entirety of the Project, including any likely future Expansion, and not separate phases or

segments thereof. The footnote on page 1-18 as well as comments made by the Proponent in public hearings in Bridgewater, indicate that there will be further development at Lakeshore Center.

On September 20, 2023 the hotel project was discussed in a public hearing of the Bridgewater Planning Board and the proponent made clear their full plans for Lot 7. Although the proponent has removed the condominium project from western side of Lot 7, the hotel project remains pushed over to the eastern section of the Lot although the condominium site was removed from the western portion of the lot. A significant portion of the hotel, parking lot, access road and drainage are located within the 100-foot wetland buffer zone. Almost the entirety of the project is within the 200-foot Riverfront Area. Due to the fact that the hotel is located so far into the site and away from Lakeshore Center Drive, the proponent has proposed an exit to the Park and Ride area abutting Route 104 to be utilized as an emergency entrance/exit. This emergency entrance/exit onto the Park and Ride was initially shown in traffic studies as the main entrance for the hotel. The western portion of Lot 7, as noted in Planning Board public hearings will be cleared of its acres of trees and grassed over. The trees remaining will be graded around and “limbed up,” according to the proponent. Portions of the lot will be steeply graded for a water line.

The video link below provides insight into the proponent’s plans for the western side of Lot 7. For greater context, we would recommend starting at 47:05, however, the comments directly related to the undeveloped, but cleared portion of Lot 7 indicate the plans for the future (47:29).

<https://www.youtube.com/watch?v=Y2zejENpeE>

The remaining site is probably the most valuable site with the extensive frontage on 104 and views of the lake and it will probably be the last site developed as we’ve said we’ve told the State there’s no plans to do anything in the next 3-5 years. CEO of Claremont

As the proponent has clearly identified further plans for Lot 7 and possibly Lot 4, MEPA should not permit “separate phases or segments thereof” to be permitted in this SDEIR and insist that the remainder of the project in its entirety is proposed ensuring that environmental thresholds reached are carefully analyzed so that the project’s environmental impacts and mitigation measures have been adequately analyzed. No further segmentation of this project should be allowed by MEPA.

The Northern site, **which was not a part of Lakeshore Center in previous phases of the development**, is where a proposed 179-seat restaurant, 59 space parking lot and retaining wall are planned within the 100-foot buffer zone and the 200-foot Riverfront Area (of a perennial stream) on the shores of Lake Nippenicket. The entirety of the project stretches to within the 25-foot buffer zone to the Lake and associated wetlands and stream. The site is within NHESP Priority Habitat of Rare Species. The proponent plans to use 37,000 cubic yards of fill to grade the site and clear over a half-acre of trees on the lakeshore. The site is included in the Biomap Aquatic Core of Lake Nippenicket and the Biomap Priority Natural Communities Core. The Biomap provides a framework for stewardship and protection of the land and waters most important for preserving the diversity of the native animals and plants of Massachusetts. The Biomap Aquatic Core delineates integrated and functional ecosystems for fish species and other species of environmental concern and identifies intact river corridors where important physical and ecological processes of the river or stream occur.

The Northern Site was never part of the previous filings for Lakeshore Center Phases I, II and II and should not be permitted to be included as part of Lakeshore Center Phase IV. The Northern Site does not share a lot line with the other lots that are part of Lakeshore Center Phases I, II and II. The Northern Site is a residential home that was purchased by the Proponent in 2018 and is located across the street from Lakeshore Center. The residence is not zoned as part of the Town of Bridgewater's Planned Development District and should not be allowed to be part of this SDEIR. The inclusion of this site as part of this SDEIR further supports the efforts of the proponent to further segment the project as they see fit.

Data supplied regarding Phases 1, 2 and 3 of Lakeshore Center and the overall impacts from each of these phases must be included within the MEPA Review to understand the full scope and overall impact of the project. "Phasing" of the Lakeshore Center project has diluted the overall impact on this environmentally sensitive area. Proponent is further segmenting the project in the SDEIR by adding the Northern Site and removing the assisted living community and condominiums planned on lots 4 and 7 while indicating that future development may occur on these sites. Segmentation of the project should not be permitted by MEPA.

Northern Stream

The stream that flows from Lot 7 via an underground culvert to the Northern Lot and into Lake Nippenicket is depicted on a Town of Bridgewater historical map dating back to 1879 (Figure 1). It is also identified as a **perennial stream** on the USGS Topographic Map (Figure 2) and the outlet of this stream on the Northern Site that flows into Lake Nippenicket is clearly labeled on the USGS map as the **Town River**.

Drought conditions related to field observations, as well as drawdown from wells and human-made flow diversions are addressed in CMR 10.58 (2)(d) that reads:

Notwithstanding 310 CMR 10.58 (2)(a)1.a. through c., the issuing authority shall find that any stream is intermittent based upon a documented field observation that the stream is not flowing. A documented field observation shall be made by a competent source and shall be based upon an observation made at least once per day, over four days in any consecutive 12-month period, **during a non-drought period on a stream not significantly affected by drawdown from withdrawals of water supply wells**, direct withdrawals, impoundments, or **other human-made flow reductions or diversions**.

The proponent identified the Northern Site stream as intermittent in the DEIR and included data from Carr Research Laboratory (Attachment E in DEIR) from 20+ years ago to support their findings. The issues with the data are as follows:

- The data was taken during August 1999, when the area was experiencing abnormally dry conditions. As noted in the [PREFACE TO REVISIONS TO THE MASSACHUSETTS WETLANDS REGULATIONS \(310 CMR 10.00\) RELATING TO THE DEFINITION OF "EXTENDED DROUGHT" AND DISTINGUISHING "PERENNIAL RIVERS" FROM "INTERMITTENT STREAMS", 2002 REGULATORY REVISIONS](#) *Extremely dry conditions existed in most of Massachusetts in the summer of 1999, leading to some of the lowest river and stream flows ever recorded*. The revisions also noted that *Under the new regulations, streams that are shown as perennial on USGS topographic maps are classified as perennial*.
- The revisions also address *Perennial Streams with Very Small Watersheds ...These streams may emanate from springs, or in areas such as Cape Cod, they may draw upon a large regional*

groundwater aquifer system. Regardless of watershed size, these streams are considered perennial under the regulations if they are shown as perennial on USGS topographic maps.

The data provided by Carr Research Laboratory does not take into account the extensive groundwater aquifer system where the site resides.

- Lakeshore Center's numerous landscaped beds and extensive lawns are irrigated by a number of wells on the Lakeshore Center site. The proponent has estimated that for this Phase IV of Lakeshore Center alone, irrigation consumption from the wells will amount to at least 27,738 gallons per day. The data provided by Carr Research Laboratory does not take the impact of drawdown from these wells into account.
- The southern portion of the stream on Lot 7 is connected to the northern portion of the stream and Lake Nippenicket via a culvert under Route 104 that was installed 70+ years ago (ie: human-made flow reductions or diversions).
- The proponent has submitted more recent stream data to the Bridgewater Conservation Commission (SE # 116-1525) that is not part of this submittal. The Northern Stream data provided to MEPA is incomplete and should impact the approval of this SDEIR.
- ***The Northern Site was never part of a Draft Environmental Impact Report prepared and submitted by the proponent pursuant to M.G.L. c. 30 62B on or before November 1, 1996 and therefore the perennial stream on the Northern site is not exempted from the Rivers Protection Act as the site was purchased by the proponent in 2018 and not included as part of the Lakeshore Center development MEPA submissions until 2022 – further segmentation of the project.***
- The Notification of the Wetlands File Number (SE # 116-1525) from DEP to Silva Engineering dated July 18, 2023 (Attachment 1) that is part of the hotel filing to the Bridgewater Conservation Commission proceedings states that ***Although a file # is being issued, please note the following: The USGS Quad shows a perennial stream located on the subject property in the northeast corner. If any of the project falls within Riverfront Area, the project must comply with 310 CMR 10.58 (4).***

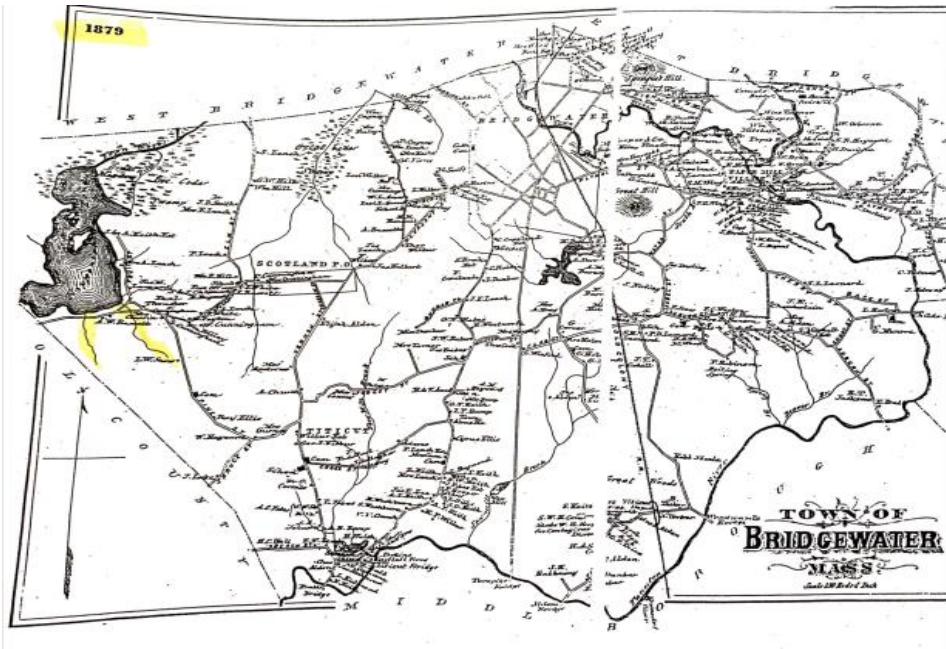


Figure 1: Historical Map 1879 showing streams on Northern and Central Lots.

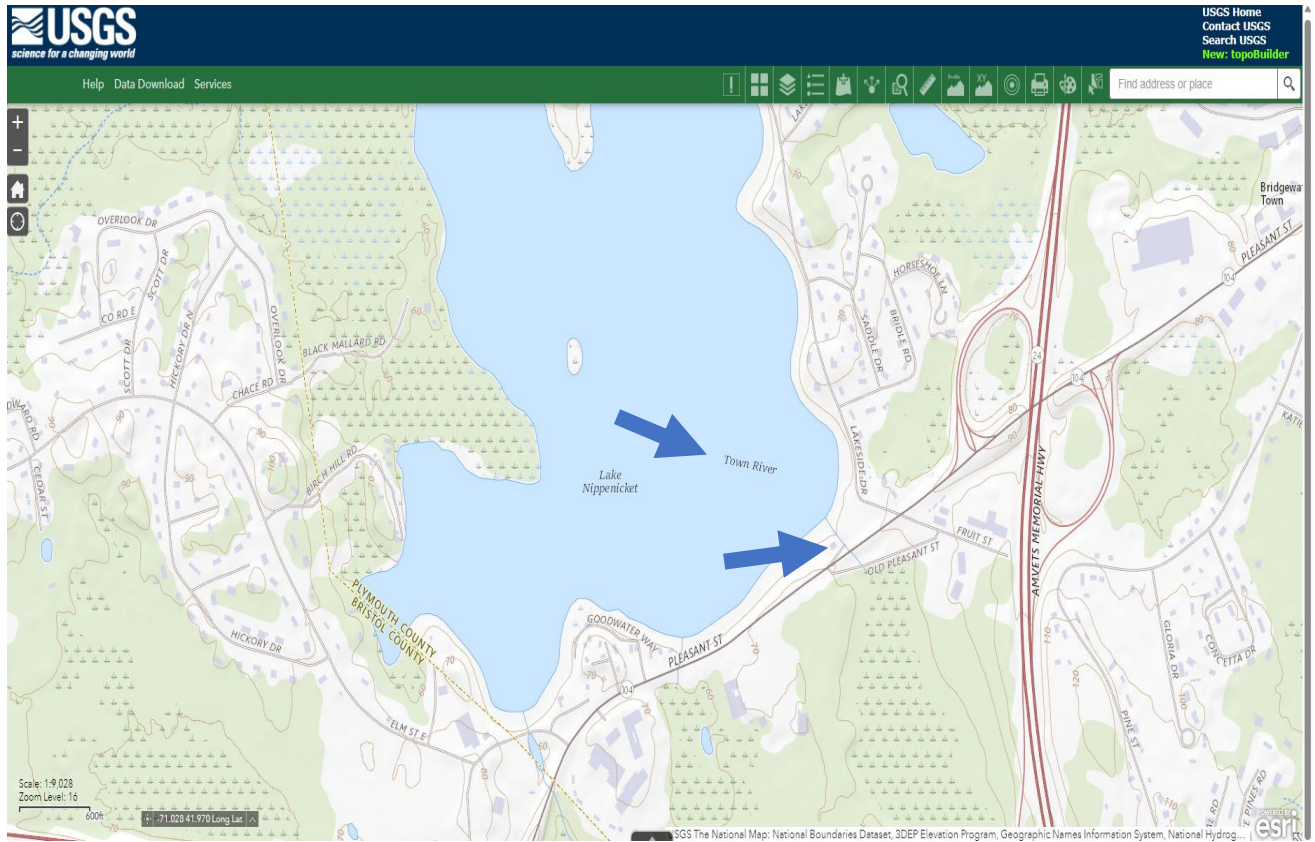


Figure 2: [USGS Topographic Map](#)

Historic and Archaeological Findings:

The proponent has decided that the economic benefits of disturbing the sites far outweigh the benefits of preserving them and have largely chosen mitigation over conservation. The proceedings related to the historic and archaeological findings on Lots 6, 7 and the Northern Site have been kept from the public and raise concern that alternatives analyses were not considered or discussed as the information was kept from the MEPA proceedings. Further consideration of the SDEIR should not continue for the following reasons:

- MEPA had requested in the Certificate dated January 30, 2023 that the proponent describe the public notice and comment that was conducted as part of the MOA process. A review of the SDEIR does not indicate that this was done. Besides the MCIA and the federally recognized tribes, what other members of the public were notified and where is the documentation of this notification?
- Individual Native American tribes that may have connections to the site, beside the Mashpee Wampanoag Tribe and the Wampanoag Tribe of Gay Head/Aquinnah are not signatories to the MOA and instead, this responsibility has been relegated to the Massachusetts Commission on Indian Affairs (MCIA). Further understanding of the notification process to individual Tribes as well as gathering of their feedback should be explained.
- A Post-Review Discovery Plan is proposed, indicating that there may other significant findings on Lots 6 and 7. The Tomb Road and Bassett sites according to the MHC, met *the Criteria of Eligibility for listing in the National Register of Historic Places*. If the project is allowed to proceed, how can the integrity of the sites be protected if the site is being excavated by large equipment and easily damaged or disregarded?
- Data Recover Section 6.3.1 notes “this consultation included development of a plan to preserve in place four subsurface Native American features on the Bassett Site. A plan to remove an unmarked Native American feature from the Tomb Road Area B Site and re-inter it at another location selected by the MCIA and...” The use of the word “unmarked” and “re-inter” implies human remains and as of today, there is no defined reinterment site. No MEPA approval of this SDEIR should be provided until the Preservation Restriction Agreement for the reinterment site is completed and clearly documented.
- ***The Northern Site was not part of any MEPA submissions for Lakeshore Center Phase I, II and III.*** An archaeological sensitive zone was identified on the Northern Site and found to be an unrecorded Native American site. The proponent has indicated that “no further investigation is recommended,” however, it should be clarified that all relevant stakeholders in these findings be notified and allowed to comment on the findings, including non-federally recognized Native American Tribes with ties to the area such as the Massachusett, Narragansett and the Mattakeeset - Massachusetts Tribes. Has the public been properly notified? Until the final report is available and individual tribes with potential ties to the site have been consulted directly (and not through MCIA), no further action on this SDEIR should be taken.

- The Underground Chamber on Lot 7 was not considered by the proponent's archaeological team to be a significant cultural resource although it is known that such structures are important historically and prominent within the Hockomock Swamp. The origin of the chamber is disputed, however, still significant as are the stone walls on the Lots that are not identified in any site plans. The proponent indicates that the area around the stone chamber will be preserved, however, it will be surrounded by drainage and extensive grading. The forest surrounding it will be cleared. The stone structure, a unique resource to the Hockomock Swamp should be preserved in its natural state within its natural setting.

Water and Wastewater:

Concerns with regard to Water and Wastewater include the following:

- There have been no studies to determine if the stormwater management systems on the Lakeshore Center Phase I, II and III sites are functioning at the level required to protect this sensitive area. MEPA has permitted the proponent to propose the project in phases and therefore, should require impact studies for previous phases as they impact the whole of the site.
- The proponent has indicated in 5.0 Water and Wastewater that the water and sewer demands have been reduced due to the elimination of the condominiums and assisted living facilities in the SDEIR, however, have noted otherwise that these projects could likely be proposed in the future, indicating further segmentation of the project.
- Water and wastewater generation usage has been provided but it is not clear if the usage represents full occupancy of the 55+ residential community and the hotel. All numbers provided should represent full occupancy of the buildings on the site.
- The fact that Compensatory Storage must be used on two of the four project sites is a clear indicator that the two projects, both within flood plains cannot sustain further development. Allowing further development on these sites could increase flood risk in neighboring areas.
- The proponent mentions in 4.2 Floodplain that "Given the size of Lake Nippenicket and its ability to absorb slight increases in flood volumes, the compensatory storage to be provided is insignificant." What is missing from this statement is that Lake Nippenicket is very shallow – 3 feet in most areas and 6 at its deepest. Therefore, the proponent's statement that the Lake's ability to "absorb" additional flood volumes from the restaurant site will actually impact neighbors around the Lake by increasing water volume.
- Mitigation by financial payment is implied to offset water and wastewater limits for the Town of Bridgewater, a town already feeling the impacts of not enough water supply.
- After decades of ownership of Lakeshore Center and the development of its numerous phases, the proponent is only suggesting now that it will eliminate chemical treatments on the site? For reference, please see Figures 3a and 3b depicting drainage area on the Lakeshore Center site with algae bloom in 2022 and 2023. Have stormwater drainage areas been tested for contamination? Further study of the overall impacts of Phases I, II and III are needed. It should

be noted that many commenters have requested that MEPA require a study on overall impacts of Phases I, II and III, however, this has not been requested of the proponent.

- The proponent currently has irrigation wells on the site and plans to add more with Phase IV. It is known that irrigation wells can introduce contaminants to aquifers. As the proponent has indicated that chemical use was only restricted in previous phases, but not eliminated, the proponent's existing irrigation wells should be tested for contaminants. Any further well drilling should be prohibited without testing of the existing wells on site.



Figure 3a: Stormwater drainage area on Lakeshore Center site with algae bloom (2022)



Figure 3b: Stormwater drainage on Lakeshore Center site with algae bloom (2023)

Tree Cutting & Land Alteration:

- Conditions for the submission of a tree preservation plan should be part of any SDEIR review.
- On Lot 7, the proponent has indicated in Planning Board public hearings regarding the Hotel that they may preserve 12-15 larger trees towards the northern side of the lot, but they will be graded around and limbed up. Based upon the comments of the proponent, a significant portion Lot 7 will be cleared of trees and those remaining will be “limbed up to ensure visibility of the site.
- Proponent is proposing “mitigation” of \$25,000 for the extensive clearing of trees on the site with the promise of adding additional trees to the Lakeshore Center landscape or around the town of Bridgewater.
- In total, the proponent has confirmed that over 14 acres of trees will be cleared from the site that is on the Zone II Aquifer for the Town of Raynham, reducing impervious surface and contributing to global warming.
- In addition, 116,000 cubic yards of fill will be brought into the site for grading purposes. The most significant grading will occur on Lots 7 and 6.
- The proponent mentions numerous times in the SDEIR that no work will be done within the 25-foot wetland buffer zone. The Town of Bridgewater wetland bylaw prohibits all work within the 25-foot wetland buffer zone so this is not by the proponent’s choice.
- The proponent has chosen, on all projects to push the buildings, stormwater management, parking, etc. out to the 25-foot buffer zone and will cut, fill, grade, alter on all proposed sites. All feasible means have not been used to avoid Damage to the Environment, or, to the extent Damage to the Environment cannot be avoided, to minimize and mitigate Damage to the Environment to the maximum extent practicable. The proponent has chosen to pursue overdevelopment of the site and has put aside two forthcoming projects from this SDEIR to reduce impacts overall for this current MEPA review. None of this should be permitted by MEPA.
- The Lakeshore Center site includes invasive species such as phragmites and Japanese Knotweed. Invasive non-native plants can impede water flow, crowd out native plants, impair wildlife habitat, decrease the amount of dissolved oxygen and limit light penetration. MEPA should demand a review of the overall impacts of Phases I, II and III including the spread of invasive plant species on the site with clear conditions related to prevention and management.

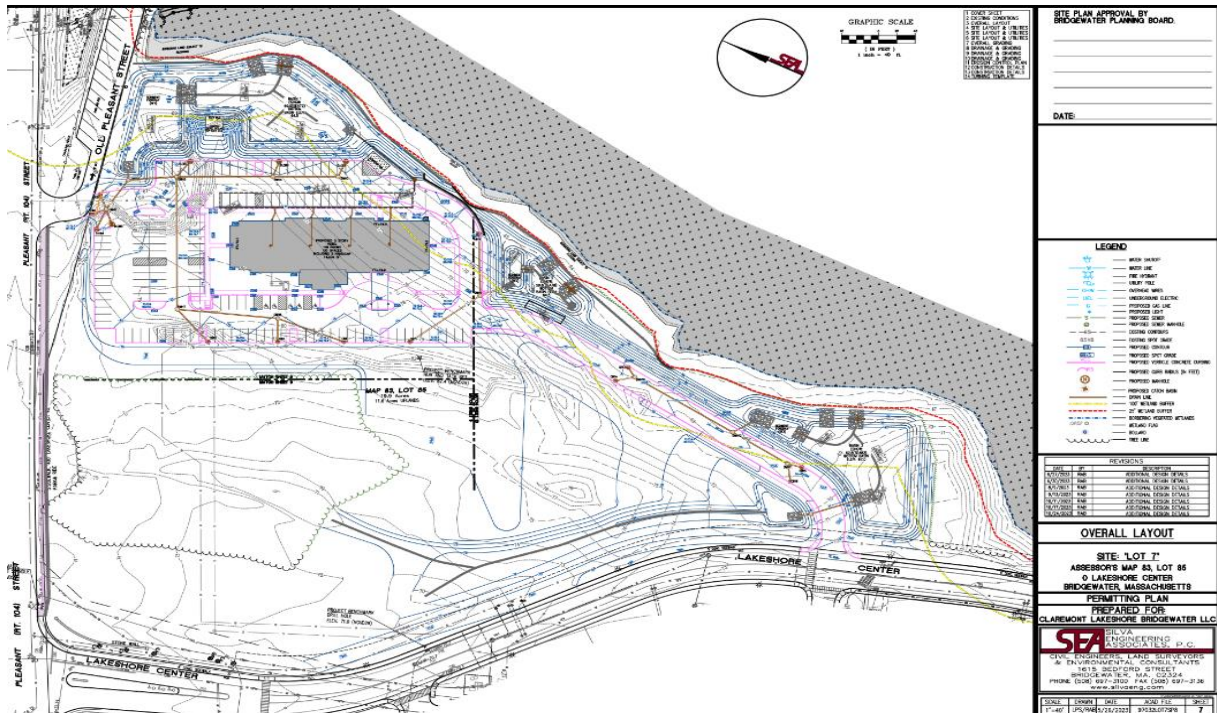


Figure 4: Site plan for Lot 7 updated 10/24/23 showing east and west portions of lot. The majority of the western portion of Lot 7 will be cleared of trees. Proponent has indicated that they may keep around twelve mature trees.

Traffic:

- The Hotel project includes curb cuts to the Pleasant Street Park and Ride (under the oversight of the DOT). Initially, in the DEIR the proponent showed the Park and Ride entrance/exit as the main entrance for the Hotel but has since added a long driveway to Lakeshore Center Drive to serve as the main entrance. In this SDEIR, the proposed Park and Ride entrance is shown as an emergency exit to be managed by a gate system for emergency vehicles. As other large residential buildings on the Lakeshore Center site are accessed by only one driveway/roadway, the justification for a secondary emergency entrance/exit to the Hotel site has not been clarified and appears unnecessary. Extensive tree clearing will be needed to create this emergency entrance/exit and there is a question of public safety regarding use of this small parking area for large emergency vehicles.
- Proponent has proposed five curb cuts within 1700 feet of the intersection of Lakeside Drive and Fruit Street. It should be noted that this intersection also serves the Lake Nippenicket Boat Ramp. This intersection is already under duress from the Route 24 South offramp where cars are travelling at speeds above 40+ mph. The DOT must require signaling at Lakeshore Center Drive and Route 104 to slow down traffic and provide residents and businesses in the area opportunities to safely cross Route 104.
- The current crosswalk across from Lakeshore Center Drive has not been repainted and is difficult to see. Safety improvements to the roadway for pedestrians must be mandated by the DOT as opposed to suggested.
- Current mitigation proposed for Lakeside Drive and Fruit Street is inadequate. Where will the stop sign at Lakeside Drive be moved to? How will this improve the situation? If the stop sign at

Fruit Street is being added now, this is not mitigation – this is fixing a situation where a sign was missing.

- Specific dates for the traffic studies “in April” and “in November” should be provided as major holidays and vacation periods occur in both of these months.
- Residents of Lakeside Drive will confirm that the proponent’s claim of an eight second delay to leave the intersection of Lakeside Drive and Fruit Street is flawed. Cars are travelling in both directions at a high rate of speed and the reaction time one needs to have a visual of cars coming off of the Route 24 South Offramp is short.
- Mass DOT has requested a study of the full build out of the site although two of the projects have been removed from the SDEIR. Again, the improper segmentation of this project has muddied the review. The remainder of development of this project needs to be reviewed in its entirety and not in pieces.
- Three driveways for a restaurant with 59 parking spaces seems excessive.
- How is the Transportation Demand Management Program as proposed by the proponent monitored?
- Why does the Transportation Monitoring Program begin six months after the occupancy of the preferred build condition (meaning increases in traffic and new traffic issues would not be monitored by the proponent when each building goes up). This program should be implemented after the first project is constructed and traffic issues should be reevaluated after each subsequent build.

Proponent Responses to LNAFT Comments:

In the Certificate dated January 30, 2023, MEPA noted that response to public comment “should include a comprehensive response to comments on the DEIR that specifically address each issue raised in the comment letter; references to a chapter or sections of the SDEIR alone are not adequate and should only be used, with reference to specific page numbers, to support a direct response.” The majority of responses in the SDEIR to questions/comments raised by LNAFT in the previous comment period included repetitive responses and generalities. The fact that the proponent has indicated that they have reduced project impacts by removing two of the six projects previously included in the DEIR (to note in the SDEIR that they may be part of a future submittal at a later date) does not reduce impact.

The proponent’s plans represent a scale of development that is not sustainable and will have significant impacts. The latest SDEIR does not include two projects proposed in the DEIR, however, the proponent has implied that further development will continue. As a result, the SDEIR is incomplete and does not represent a full build out of the site. The proponent has segmented the project to present a smaller footprint. In addition, the proponent has added the Northern Site to Phase IV. This parcel was not purchased by the proponent until 2018 and should not be lumped into this SDEIR. It is not part of the Lakeshore Center development and is not zoned as such.

Throughout this letter, LNAFT has brought to light the fact that information supplied in the SDEIR is not sufficient. MEPA should find that the SDEIR does not comply. The proponent needs to provide additional studies, data, and project alternatives that reduce environmental and community impacts of this proposed project located in the Hockomock Swamp Area of Critical Environmental Concern. As noted on the [ACEC website](#), *Projects within an ACEC that are subject to state agency jurisdiction or regulation, particularly those that are initiated by an agency, require a state permit, or are funded by a state agency, are reviewed with closer scrutiny to avoid or minimize adverse environmental impacts.* This

project requires an extensive review by MEPA with the focus to avoid all adverse impacts to the environment and surrounding communities.

With kind regards,

Lake Nippenicket Action Focus Team (LNAFT)

Julia A. Blanchard

Sam Baumgarten

Kelly Cannizzaro

Nancy A. Chiappini

Jean Cody DiBattista

Robert DiBattista

Janet Hanson

Wendy Kanner

Andrea Monteith

Bernice Morrissey

Patricia Neary

Anthony J. Oliveira

Mark H. Peterson

Melissa Ramondetta, Coordinator

Linda Schmuck

cc: Town of Bridgewater Conservation Commission
Councilor Erik Moore, Town Council Bridgewater
Town of Raynham Conservation Commission
Town of Raynham Central Water District
Taunton River Watershed Alliance
J. Lionel Lucien, P.E. Manager, Public/Private Development Unit DOT
Edward L. Bell, Deputy State Historic Preservation Officer, MHC
Whitney McLees, Environmental Analyst, DEP

Patel, Purvi (EEA)

From: Mark Peterson <mhp4bwater@gmail.com>
Sent: Monday, November 6, 2023 11:15 AM
To: Patel, Purvi (EEA)
Subject: EEA: #16558 / Lakeshore Center Phase IV SDEIR
Attachments: Mark Peterson EEA 16558 _ Lakeshore Center Phase IV SDEIR.pdf

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Dear Ms. Patel,

Please find attached comments regarding the SDEIR for Lakeshore Center Phase IV (EEA# 16558).

Please confirm receipt by return email. Thank you!

Regards,

Mark Peterson
Bridgewater, Massachusetts

Rebecca Tepper, Secretary
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Attn: Ms. Purvi Patel, MEPA Office

**RE: Draft Environmental Impact Report: EEA #16558: Lakeshore Center Phase 4,
Bridgewater MA**

Dear Ms. Patel:

I am concerned that the proponent can not fulfill stormwater management responsibilities for the stormwater management system designed for their Lakeshore Center Phase IV projects. To make my point, I will use the example of an existing detention basin, on an existing Lakeshore Center property, from an earlier Lakeshore Center Phase.

Algal bloom and standing water for over a year

The detention basin on Two Lakeshore Center property, 2 Lakeshore Center, Bridgewater, MA 02324, appears to have had standing water with an algal bloom for over a year.

See Figures 1a and 1b for the location of the detention basin.

See Figures 2a, 2b, 2c, and 2d for pictures taken of the detention basin with standing water and algal bloom on October 22, 2022, May 17, 2023, October 28, 2023, and November 5, 2023.

Not a “retention pond”

Bridgewater Subdivision Rules and Regulations state “Retention ponds are not allowed in the Town of Bridgewater”.

Seed mixes, called for in engineering plans, could not possibly germinate nor survive in the basin of a “retention pond”. See Figure 3a.

It is referred to as a “SUBDIVISION DETENTION BASIN” in engineering plans. See Figure 3b.

72 hours and 24 hours

EPA recommends that stormwater treatment practices dewater within 3 days (72 hours) to reduce the number of mosquitoes that mature to adults. Bridgewater Subdivision Rules and Regulations states “If a basin does not drain within twenty-four (24) hours, fencing and/or any other necessary safeguards shall be installed surrounding all sides of the basin.”

Operation and Maintenance

Owner is responsible for inspection and maintenance, and shall maintain a log of inspection and maintenance of all stormwater management system elements under the owner’s control. See Figure 4a.

Analysis and Conclusion

The detention basin at Two Lakeshore Center has been observably in a failed state for at least one year. Reasons for conclusion:

- There is an algal bloom in the detention basin, and in addition to nutrient pollution, algal blooms take time and standing water to develop.
- 24 hour dewatering of a detention basin should require fencing, there is no fencing around each side of this detention basin.
- Multiple pictures show the detention basin having standing water and algal blooms. Each picture was taken a minimum of 72 hours after any significant rain event.
- The first picture was taken on October 22, 2022 and the most recent picture was taken on November 5, 2023. That is more than one year of standing water and algal blooms.

Questions

- What is the frequency for inspection of this detention basin? If after a rain event, the detention basin fails to dewater in 24/72 hours, does that condition trigger an inspection?
- Has the owner inspected the detention basin at Two Lakeshore Center?
- Upon completion of each inspection, has the owner determined the detention basin to be operating as designed? Did they perform maintenance on the detention basin?
- Does the owner maintain an inspection and maintenance log for the detention basin?
- Has the owner submitted to MEPA, MassDEP, and the Town of Bridgewater that the detention basin operates as designed?
- Can all the inspection and maintenance logs for Two Lakeshore Center stormwater management system and elements be shared with MEPA, MassDEP, and the Town of Bridgewater?
- Should all stormwater management systems and elements, designed and constructed for Lakeshore Center Phase I, II, and III, be thoroughly inspected by an independent third party, to determine if stormwater management systems and elements operate as designed?

Figures

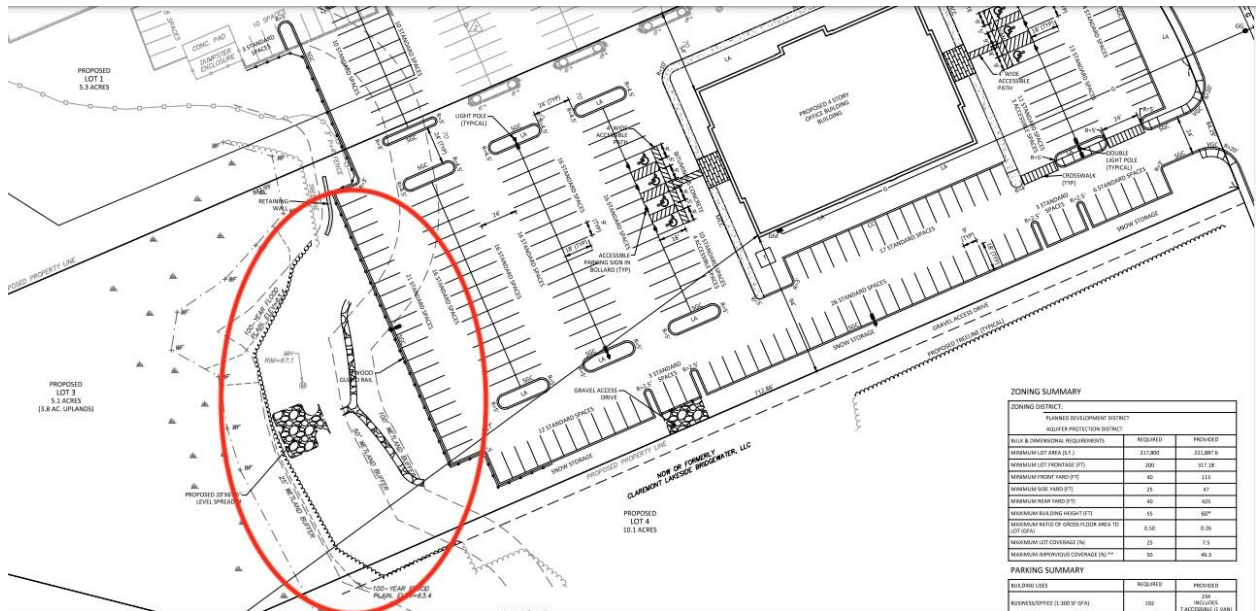


Figure 1a: Location of detention basin on Two Lakeshore Center.



Figure 1b: Location of detention basin at Two Lakeshore Center, highlighted by red arrow. Source Google Earth.



Figure 2a: detention basin October 22, 2022 with algal bloom.



Figure 2b: detention basin May 17, 2023 with algal bloom.



Figure 2c: detention basin October 28, 2023 with algal bloom.



Figure 2d: detention basin November 5, 2023 with algal bloom.

20. RESTORATION / EROSION CONTROL SEED MIX FOR BASIN BOTTOM AND SIDE SLOPES TO BE "NEW ENGLAND EROSION CONTROL/RESTORATION MIX FOR DRY SITES" BY NEW ENGLAND WETLAND PLANTS OR APPROVED EQUAL. USE "WET MIX" FOR BOTTOM, "DRY MIX" FOR SIDE SLOPES.

Figure 3a: "WET MIX" explicitly called out for "BASIN BOTTOM".

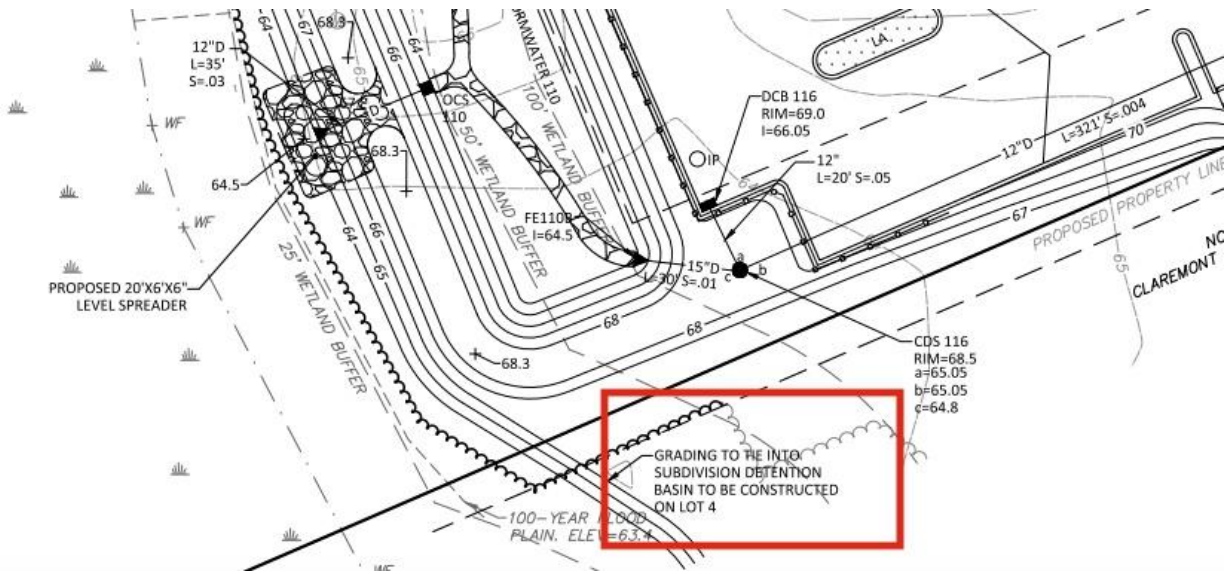


Figure 3b: "SUBDIVISION DETENTION BASIN" clearly noted in engineering plans.

OPERATION AND MAINTENANCE SCHEDULE

HGI Bridgewater
Site Plan

Assessor's Map 83, Lot 85
0 Lakeshore Center

Bridgewater, Massachusetts 02324

MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES

The stormwater management facilities were designed to require little or no intervention in the operation and to require relatively little maintenance once the stormwater controls are installed. However, the drainage improvements shall be subject to the following maintenance schedule.

Responsible Party: Responsible for Operation, Maintenance and Emergency Repairs
Claremont Lakeshore Bridgewater LLC

Records:

The owner shall maintain an inspection log of all elements of the Stormwater management system. The owner shall maintain a maintenance log documenting the inspection and maintenance of the drainage structures under the owner's control. A copy of the "Stormwater Management Best Management Practices Inspection Schedule and Evaluation Checklist" and inspection logs shall be kept onsite at all times.

Figure 4a: Operation and Maintenance Schedule for Claremont Hotel.

Regards,
Mark Peterson
Bridgewater, Massachusetts

Appendix

Seeds

“WET MIX” seed list <https://newp.com/product/new-england-wetmix-wetland-seed-mix/>

Bridgewater Subdivision Rules & Regulations

<https://www.bridgewaterma.org/DocumentCenter/View/373/Subdivision-Rule-and-Regulations-PDF> (June 24, 2016)

Two Lakeshore Center engineering plans

<https://www.bridgewaterma.org/DocumentCenter/View/1458/Two-Lakeshore-Center-Office-Review-Set-071217?bidId=>

SDEIR link

<https://epsilon.sharefile.com/d-s82dd1b638761493d8fa77cec80038eb6>

Patel, Purvi (EEA)

From: mttr3@comcast.net
Sent: Monday, November 6, 2023 6:29 AM
To: Patel, Purvi (EEA); Patel, Purvi (EEA)
Cc: 'Amy Engelhardt'; 'CED'; 'Moore, Erik'; McClees, Whitney (DEP)
Subject: Comments (Ramondetta) re: SDEIR EEA #16558: Lakeshore Center Phase IV
Attachments: Ramondetta Comments_SDEIR_16558_Lakeshore Center Phase IV.pdf

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Dear Purvi:

Please find attached my comments regarding the SDEIR Lakeshore Center Phase IV, EEA #16558.

With kind regards,

Melissa Ramondetta
Bridgewater, MA

November 6, 2023

Rebecca Tepper, Secretary
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

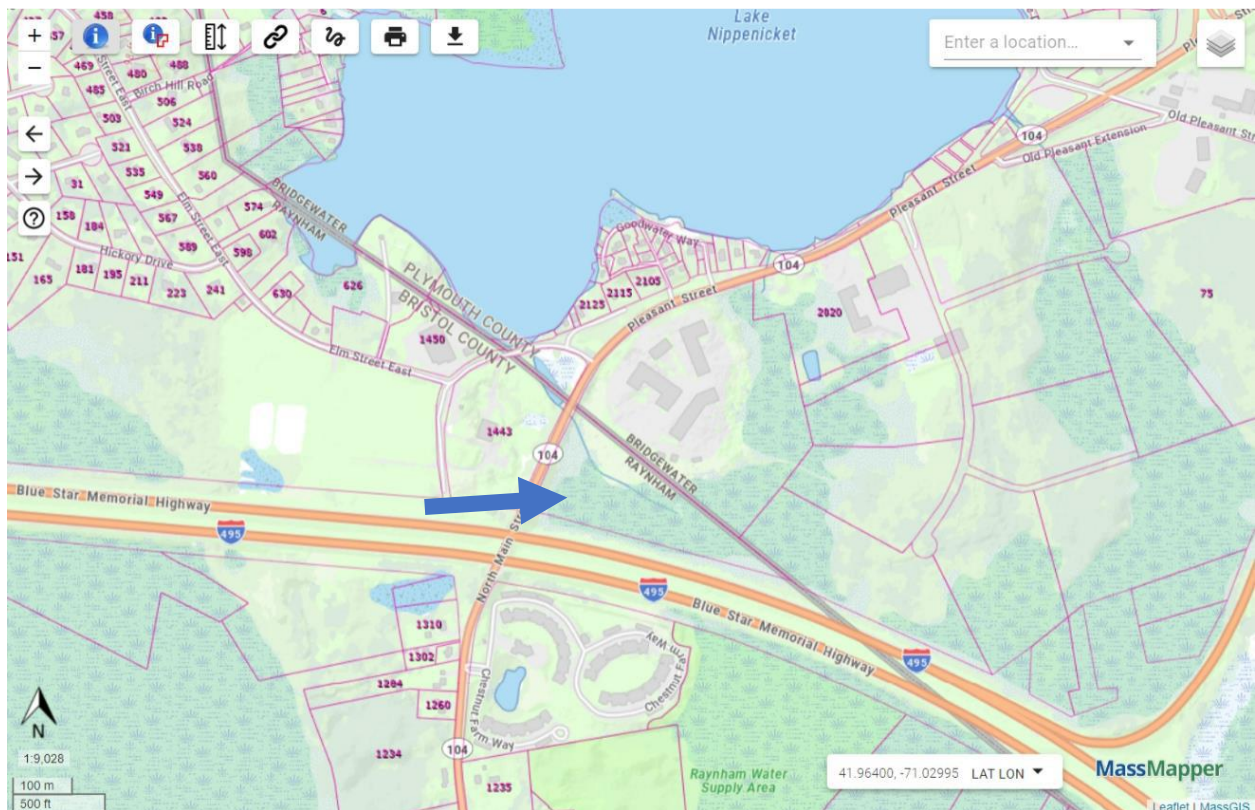
Attn: Ms. Purvi Patel

Dear Ms. Patel:

RE: Draft Environmental Impact Report:
EEA #16558: Lakeshore Center Phase 4, Bridgewater MA

Dear Ms. Patel:

The subject of my earlier comments to MEPA focused on an area of five acres of dead trees sitting in water located on the western side of the Axis apartment complex (ie: Western Site) which was part of an earlier phase of Lakeshore Center (EEA #4959). It should be noted that the site lies in proximity to and connects to Lake Nippenicket (according to USGS Topographic Map) hydrologically.



The proponent's response to my concerns in the SDEIR is shared below. It provides no insight into the cause of the dead trees on the Axis site. The **study** that I requested MEPA to require from the proponent

was to review the issue with the dead trees within the context of its impact on the surrounding wetlands and Lake Nippenicket. MEPA did not require a study and the proponent provided the response below that did not address the issue.

MR 01 I urge MEPA to deem the study necessary as the Proponent is now proposing work on the remainder of the Central and Northern sites that will impact the surrounding wetlands, streams and Lake Nippenicket.

The Project has been designed to minimize land clearing and wetland impact. Please refer to Chapter 3 for information on land alteration. All proposed work within the 100-foot buffer zone will occur in the outer 75 feet, outside of the local 25-foot “no activity” buffer around BVW as required by the Bridgewater Wetlands Protection Bylaws. The proposed Project will meet all of the performance standards in the WPA Regulations for BVW at 310 CMR 10.55(4). Section 4.1 provides additional information. As was discussed in the DEIR, the stream on the Northern Lot has been shown to be intermittent. Documentation of this was provided in Appendix E of the DEIR.

An approximately 22-acre conservation restriction has been proposed for on the Site which, if approved, would provide protection for wetland resources and open space. To further mitigate impacts, the Proponent will provide \$25,000 to the Town of Bridgewater Tree Warden for their use in planting trees either at Lakeshore Center or other suitable areas in Bridgewater. Please refer to Section 1.2.1 for additional information on the ACEC.

The environmental impacts to the Western Site impact other sites in the project, including the Phase IV site. The linked wooded, coniferous and shrub swamps within Lakeshore Center that are connected hydrologically to Lake Nippenicket are within the watershed of the Taunton River and serve as the headwaters of the Town River, a tributary of the Taunton River. The site is within the Zone II Medium Yield Aquifer for the Town of Raynham.

MEPA notes in 11.01 General Provisions / (c) Segmentation:

*In determining whether a Project is subject to MEPA jurisdiction or meets or exceeds any review thresholds, and during MEPA review, the Proponent, any Participating Agency, and the Secretary shall consider the entirety of the Project, including any likely future Expansion, and not separate phases or segments thereof. The Proponent may not phase or segment a Project to evade, defer or curtail MEPA review. The Proponent, any Participating Agency, and the Secretary shall consider all circumstances as to whether various work or activities constitute one Project including, but not limited to, whether the work or activities, taken together, comprise a common plan or independent undertakings, regardless of whether there is more than one Proponent; any time interval between the work or activities; and **whether the environmental impacts caused by the work or activities are separable or cumulative**.*

The environmental impacts of Lakeshore Center Phases I, II, III **are not separable, but cumulative** and must be reviewed within the scope and context of Lakeshore Center Phase IV. Members of the public have raised questions about the environmental health of the site due to previous phases of the project and concerns for its future. **These concerns have not been addressed within the context of the MEPA process**. The five acres of dead trees on the Western Site of Lakeshore Center are a clear message that the impact of earlier phases of Lakeshore Center on the wetlands need to be studied.

The overall impacts from Phases I, II and III on the wetlands must be included within the MEPA Review to understand the full scope and overall impact of the project. **“Phasing” of the Lakeshore Center project has diluted the overall impact on this environmentally sensitive area.**

MEPA should find that the SDEIR for Lakeshore Center Phase IV, EEA #16558 does not comply as the project’s environmental impacts and mitigation measures of previous phases of the project have not been adequately analyzed.

With kind regards,

Melissa Ramondetta
Bridgewater, MA

cc: Town of Bridgewater Conservation Commission
Councilor Erik Moore, Town Council Bridgewater
Whitney McLees, Environmental Analyst, DEP
Town of Raynham Conservation Commission
Town of Bridgewater Planning Board
Brian Glavin, Tree Warden, Raynham MA

Patel, Purvi (EEA)

From: Michelle Morey <mmorey1120@comcast.net>
Sent: Monday, November 6, 2023 7:20 PM
To: Patel, Purvi (EEA)
Subject: EEA #16558 Claremont SDEIR
Attachments: MMorey Concerns EEA #16558 Lakeshore Center Phase 4 110623.docx

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Dear Ms. Purvi,

My letter regarding EEA #16558 Claremont SDEIR is attached for your review. Thank you.

Michelle Morey

Michelle Morey
20 Lakeview Park Lane
Bridgewater, MA 02324

November 6, 2023

Rebecca Tepper, Secretary
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114
Attn: Ms. Purvi Patel, MEPA Office

Dear Ms. Tepper and Ms. Patel,

I am writing again about EEA #16558 Lakeshore Center Phase 4 pertaining to Claremont Companies' intent to build another multi-site project at Lake Shore Center, including a café; a 225-unit, 55+ residential community; a 5-story, 110-room hotel; and a 179-seat restaurant on the shore of Lake Nippenicket in Bridgewater. As a homeowner who lives on the lake, advocacy on behalf of this Area of Critical Environment Concern (ACEC) is necessary to prevent Claremont from further damaging this environmentally impactful area.

There are a multitude of concerns associated with Claremont's plan that includes increased traffic, noise, and pollution. The traffic situation is already daunting especially during morning and evening hours, not to mention the frequent police/ambulance/firetruck sirens and randomly routine car alarms. Unfortunately, flashing red and blue lights of responder vehicles have become common. One can only imagine the traffic the proposed buildings and business will generate. Because Claremont has systematically cut down a significant portion of trees and vegetation along the waterside of Route 104, headlights can be viewed from across the lake and traffic noise is constant in a neighborhood that was once quiet and peaceful. The amount of litter (nip bottles, fast-food refuse, car parts, etc.) along the half-mile stretch owned by Claremont from the AXIS projects to the boat ramp has only increased as they continue to build.

Due to the water availability issues, there seems to be a perpetual water restriction that impacts when the residents (*who have lived in this town for decades*) can use water and for what reason. I attended a meeting not too long ago, in which there was a presentation that addressed the sewerage issues that Bridgewater is already facing. If the current need for water and sewer is already a growing problem for the existing population, does it make sense to increase the need? One can only imagine how a 225-unit residential community, a 110-room hotel, and a 179-seat restaurant will affect these already-strained, necessary systems.

It was explained at the last Zoom meeting, that the expectation is to put the hotel at the back of the property, and because Claremont wants the patrons to have a view of the Lake, all the trees from the hotel to Route 104 would need to be cut down. Any reasonable person who has even a miniscule appreciation of the environment can understand the negative impact this would have on the habitat, wildlife, and beauty of the lake and surrounding areas. It remains unclear why another hotel is needed, given that the parking lot to the right of the existing hotel is empty most of the time.

This project would disturb more than 18 acres of land in an ACEC and with approximately 547 proposed parking spaces, the expected paving/impervious area is estimated to be more than 7 acres. Imagine how this will astronomically increase the polluted stormwater runoff (*rock salt, drops of oil, antifreeze, etc.*), which as gravity dictates, will drain into the lake. It stands to reason that this polluted runoff will have a negative effect on the lake itself, along with the habitat of fish, wildlife (*endangered, threatened, rare species*), and vegetation.

There is no doubt that Claremont's plans have had and will continue to have significant consequences on Lake Nippenicket, the Town River and the Taunton River, as well as the Hockomock Swamp, the largest freshwater wetland in Massachusetts. Of note, recently, the Massachusetts Department of Environmental Protection (MassDEP) determined that there is a perennial stream on the northeast corner of Claremont's property, whereby any proposed project within the riverfront area, must comply with 310 CMR 10.58(4).

There are currently zoning and environmental laws in place to protect the ACEC, including the wetlands. Claremont was aware that the property was an ACEC when it was purchased, yet they continue to challenge the existing zoning and environmental laws. Instead of tailoring their project to adhere to the existing environmental laws, Claremont has continuously requested a multitude of waivers/variances to bypass such laws. Given this, it is imperative that Claremont's proposed project is carefully and thoroughly reviewed and analyzed to prevent encroachment on the buffer zones, minimizing tree cutting, preserving both upland and wetland open spaces, employing green building practices, and building within small footprints.

in closing, please take into account whether the zoning and environmental protection laws and regulations apply to all citizens and entities, regardless of the number of zeros in their bank account(s)? They are not making any more land and we need to protect the fragile Lake Nippenicket and surrounding ACEC. Thank you for considering the points in this letter and I trust you will make a legal and ethical choice.

Sincerely,



Michelle Morey

Patel, Purvi (EEA)

From: Hoenig, Amy (FWE)
Sent: Monday, November 6, 2023 3:36 PM
To: Patel, Purvi (EEA)
Cc: David Hewett; Cheeseman, Melany (FWE)
Subject: EEA No. 16558, SDEIR, Lakeshore Center Phase 4

November 6, 2023

Rebecca Tepper, Secretary
Executive Office of Energy and Environmental Affairs
Attention: Purvi Patel, MEPA Office
100 Cambridge St.
Boston, Massachusetts 02114

Project Name: Lakeshore Center Phase 4
Proponent: Claremont Companies
Location: Bridgewater
Document Reviewed: Supplemental Draft Environmental Impact Report
EEA No.: 16558
NHESP No.: 00-8132/019-333.DFW

Dear Secretary Tepper:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the Division) has reviewed the Supplemental Draft Environmental Impact Report (SDEIR) for the proposed *Lakeshore Center Phase 4 Project* (Lots 1, 6, & 7) and would like to offer the following comments regarding state-listed rare species and their habitats.

On February 7, 2019, the Division issued a Conservation and Management Permit for the above referenced project. Since that time and in compliance with the CMP, the Proponent has implemented turtle protection measures associated with development on Lot 5 (not included within the SDEIR). The Division notes that the CMP specifies conditions specifically associated with the development of Lots 4, 6 & 7. The SDEIR identifies the Proponent does not anticipate pursuing development on Lot 4 at this time (within the next 5 years). Provided that the Proponent continues to adhere to all conditions of the Conservation & Management Permit referenced above, the Division anticipates that no further permitting will be required pursuant to the Massachusetts Endangered Species Act (MESA) (MGL c.131A) and its implementing regulations (321 CMR 10.00).

Additionally, the Proponent submitted a MESA Project Review Checklist to the Division associated with the development north of Pleasant Street (Northern Lot). On November 18, 2022, the Division determined that this portion of the project would not result in a Take of state-listed species.

We appreciate the opportunity to comment on this project. If you have any questions about this letter, please contact Amy Hoenig, Senior Endangered Species Review Biologist (amy.hoenig@mass.gov).

Sincerely,

Amy Hoenig
Senior Endangered Species Review Biologist
Natural Heritage & Endangered Species Program

Massachusetts Division of Fisheries & Wildlife

1 Rabbit Hill Road, Westborough, MA 01581

Temporary phone #: (508) 506-1926

office: (508) 389-6364 | e: Amy.Hoenig@mass.gov

mass.gov/masswildlife | facebook.com/masswildlife

Patel, Purvi (EEA)

From: PATRICIA NEARY <pneary7@aol.com>
Sent: Monday, November 6, 2023 8:42 PM
To: Patel, Purvi (EEA)
Subject: Fwd: EEA #16558. Lakeshore Center, Phase IV, Bridgewater, Ma

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From: PATRICIA NEARY <pneary7@aol.com>
Date: November 6, 2023 at 5:12:12 PM EST
To: Purvi.patel@state.ma
Subject: EEA #16558. Lakeshore Center, Phase IV, Bridgewater, Ma

Dear Ms Patel,

Please accept the following comments regarding the above subject as there are so many concerns about this proposal.

In my previous comments in response to the DEIR, I questioned the absence of the perennial stream which is shown on the USGS maps, and flows into Lake Nippenicket, a Great Pond within an Area of Critical Environmental Concern and is next to the proposed hotel on Lot #7. This same perennial stream runs next to the proposed restaurant on the Northern lot. There is also a perennial stream that runs next to the proposed "Cafe" on Lot#1 which is not shown on the plans. Neither of these locations are showing the REQUIRED 200' Rivers Protection Act setback. The perennial streams require protection and the RPA demands protection..

There have been some revisions in the proponent's plans since the DEIR was submitted, however a substantial part of the proposed hotel (on Lot #7) as well as a "dumpster pad" and drainage basins remain in the 100' wetland setback. Reminder: this parcel is in the Hockomock ACEC. "Projects within an ACEC are to be reviewed with close scrutiny to avoid or minimize adverse impacts".

The proponent is planning to place a Conservation Restriction on 22 acres of land on Lot 6, and 9 acres on Lot 7, as well as 2 acres on Lot 1. Since most of these acres are WETLANDS, this CR philanthropy is not necessary as the acreage is protected under the Wetland Protection Act.

In the same vein, the proponent has offered to gift the town of Bridgewater \$25,000 to mitigate their clear cutting of 4 acres of trees in order to create visibility and a lawn for the proposed hotel. This "mitigation" cannot nullify the effects of noise and light pollution resulting from their unnecessary/unrequired tree cutting. This is unacceptable and against current town of Bridgewater

regulations. Climate change threatens the health of our daily lives and we must protect the resources that provide those protections.

The Town of Bridgewater has been on water restrictions for many years and the proponent of this project is developing with a water limitation dictated by the town. The current water usage reported by the proponent has not shown **accurate** projections, and their properties currently are not fully occupied. Again, this is unacceptable.

I know that MEPA requires that state agencies "use all practicable means and measures to minimize damage to the environment," by studying alternatives to the proposed project, and developing enforceable mitigation commitments, which will become conditions for the project if and when they are permitted. Our Bridgewater zoning by laws encourage the use of pervious pavement and this proposed development shows acres of impervious asphalt in the Area of Critical Environmental Concern with NO pervious pavement in their plans. This must be remedied.

Additionally, as a signatory to the Lake Nippenicket Action Focus Team letter to MEPA, I urge you to consider all the facts and details presented in our letter including:

Segmentation

Absence of the Northern site in the three previous phases of development

Archeological sites on Lot #7 requiring more investigation

Traffic

Once again i am requesting that the proponent be required to supply additional studies, data and alternatives that reduce environmental impacts on this project located in the Hockomock ACEC.

Thank you for considering my comments.

Regards,
Pat Neary
225 Lakeside Drive
Bridgewater, Ma 02324
508-697-8791 (Landline!)
She/her/hers

Sent from I Pad

Patel, Purvi (EEA)

From: Gloria Bancroft <director@savethetaunton.org>
Sent: Monday, November 6, 2023 10:15 AM
To: Patel, Purvi (EEA)
Cc: Tepper, Rebecca L (EEA); moraff.ken@epa.gov; Langley, Lealdon (DEP); Julia Blatt; Alison A. Bowden; thamblett@savebay.org; Kate McPherson; kbeaver@savebay.org; Heidi Ricci; Lambert, Beth (FWE); Hurley, Steve (FWE); Jamie; Lauren E; Carey, Richard (DEP); murphy.thelma@epa.gov; Tedder, Newton; arsenault.dan@epa.gov; Helen Zincavage; paul.m.maniccia@usace.army.mil; Reiner, Edward; PODriscoll3@hotmail.com; RRULLI@bridgewaterma.org; Dutton, Michael; emoore@bridgewaterma.org; Bradford.Mckinnon@aol.com; PATRICIA NEARY
Subject: EEA # 16558 Supplemental Draft Environmental Impact Report
Attachments: EEA No 16558 Supplemental Draft Environmental Impact Report Lakeshore Center Phase 4 Bridgewater, MA TRWA and TRSC Comments.pdf

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Dear Ms. Patel,

The Taunton River Watershed Alliance and the Taunton River Stewardship Council respectfully submit the attached comments regarding EEA # 16558 Supplemental Draft Environmental Impact Report: Lakeshore Center Phase 4 Bridgewater, MA Dated September 15, 2023 submitted by Claremont Companies.

Gloria Bancroft

Coordinator

[Taunton River Watershed Alliance](#)

[Taunton River Stewardship Council](#)

Taunton River Watershed Center

Sweets Knoll State Park

1387 Somerset Ave, Dighton, MA 02715

Mailing Address: P.O. Box 1116, Taunton, MA 02780

office 508-828-1101



TAUNTON RIVER WATERSHED ALLIANCE

A VOICE FOR THE RIVER SINCE 1988

November 3, 2023

Purvi Patel
MEPA Office
100 Cambridge St., Suite 900
Boston, MA 02114
Via email: purvi.patel@mass.gov

Re: **EEA # 16558 Supplemental Draft Environmental Impact Report: Lakeshore Center Phase 4 Bridgewater, MA Dated September 15, 2023**

Submitted by: Claremont Companies

Dear Ms. Patel:

On behalf of the Taunton River Watershed Alliance (TRWA), the Wild and Scenic Taunton River Stewardship Council (TRSC) and our membership we would like to submit comments on EEA # 16558 Supplemental Draft Environmental Impact Report: Lakeshore Center Phase 4 Bridgewater, MA Dated September 15, 2023 submitted by Claremont Companies.

As noted in our prior comments this is the fourth phase of major development in a small headwaters sub-watershed which is already clearly showing adverse impact from previously completed phases and has exceeded its assimilative capacity. Location, size, assimilative capacity to absorb more pollution and previous development all matter. This is the reason MEPA exists so projects are evaluated in their entirety. Similarly, both the state and federal Clean Water Acts have provisions that go beyond technology standards like the state stormwater rules so that more stringent water quality-based limitations apply when a receiving water has exceeded its capacity to assimilate pollutants. When all assimilative capacity is used up, no additional discharge of pollutants is allowed.

We asked the applicant to show that the Lake Nippenicket sub-watershed and Raynham well's aquifer have capacity to assimilate the phosphorus, bacteria and toxics (metals, PFAS, organics) from the impervious surfaces of both the existing and proposed phases of development. Instead of answering our question, the consultant for the developer says that they will comply with state stormwater technology-based standards and stay 25 feet from bordering wetlands as if the site has unlimited capacity to accept pollution. This is not an adequate answer.

As requested in our initial comments on this project on June 14, 2022 and repeated in our letter of January 22, 2023 if the company wants to squeeze more development into this overdeveloped site they need to evaluate:

Our Mission: ...to protect and restore the watershed's natural resources for current and future generations.

Taunton River Watershed Alliance, at Sweets Knoll State Park, 1387 Somerset Ave., (Rt. 138), Dighton
Mailing address: P.O. Box 1116, Taunton, MA 02780 • 508 -828-1101 • www.savethetaunton.org

- 1) The environmental impact of the phases of development completed to date, the stormwater pollution load generated by the project's phases completed to date (particularly the phosphorus, bacteria and toxics (metals, PFAS, organics) load to the streams on site, Lake Nippenicket, Raynham well's aquifer and the Town River),
- 2) Stormwater volumes and pollutant loads generated by the development to date and projected to be generated from each proposed phase of new development,
- 3) Analysis/assessment of the current state of eutrophication of the streams on site, Lake Nippenicket and the Town River, along with an analysis of the remaining assimilative capacity (if any) of these waters to accept the additional loadings from the proposed phases.

Town River Dam Removal Increases the Need for a Correct Decision

The town of Bridgewater, the Commonwealth and many partners this fall completed an over 8-million-dollar dam removal on the Town River in Bridgewater which reconnected 10 miles (including tributaries) of unimpeded river access for diadromous fish, including river herring, American shad, American eel, and sea lamprey. The project opened 354 acres of river herring spawning and rearing habitat at Lake Nippenicket. The health of the Taunton River watershed and the resilience of the river to climate change depends on healthy tributary streams and headwaters like Lake Nippenicket and its sub-watershed. The water quality stakes in this sub-watershed are high and demand that the town, Commonwealth and EPA apply the precautionary principle by not allowing additional development until additional water quality studies and monitoring demonstrate that adequate assimilative capacity is available.

This dam removal project has been a prime example of the power of partnerships to address infrastructure and climate related problems. The Town of Bridgewater worked with the Massachusetts Division of Ecological Restoration (DER), The Nature Conservancy (TNC), and numerous local, state, and federal partners to plan and fund the dam removal and bridge replacement project on the Town River, at High Street, near the Lincoln Athletic Club, historic Stanley Iron Works Park (a public open space), and the Town's Roadways (Highway) Department. The project team raised over \$8 million in federal (**including BIL money**), state, local, regional, private, and foundation money over the six-plus-year course of the project.

This project involved seven (7) governmental agencies and seven (7) non-governmental agencies working in various capacities, ranging from funding support to direct participation, to affect this critical restoration. Government agencies participating included: the Towns of Bridgewater and West Bridgewater, DER, MA Division of Marine Fisheries (DMF), US Fish & Wildlife Service (USFWS), the NOAA Restoration Center, and the Old Colony Planning Council. Non-governmental agencies participating included: the Town River Fishery Committee, The Nature Conservancy (TNC), the Narragansett Bay Estuary Program, Save the Bay, the Taunton River Watershed Alliance (TRWA), the Taunton River Stewardship Council (TRSC, including SRPEDD as a member of the Stewardship Council), and the Advance Pollution Control Corporation (dam owner). The proposed additional phases of development on Lake Nippenicket jeopardize the benefits of this investment.

Comments not satisfactorily answered below:

1) Receiving Water Assimilative Capacity

The residents of the area report and have pictures of significant eutrophication (algae, weed growth, impaired transparency) in Lake Nippenicket. The Lake is listed on MassDEP's Clean Water Act Section 303(d) Impaired Waters List

for nuisance weed growth – macrophyte non-native aquatic plant *cabomba caroliniana* (fanwort). This is not surprising due to the low water depth and large surface area of the lake along with the significant development which has taken place in this small sub-watershed. We believe the available evidence shows the Lake has reached and indeed exceeded its assimilative capacity to absorb additional phosphorus and pollution from stormwater. The Supplemental DEIR presents no information on pollutant loading such as phosphorus, bacteria and toxic pollutants from the proposed project elements and no information on the assimilative capacity of the receiving waters and aquifer despite our requests.

No response to this comment provided.

2) Monitoring Program

In TRWA’s letter of June 14, 2022 we commented that the applicant should be required to conduct a monitoring program (2/month, April through October) of any streamflow to the Lake from the streams adjacent to its development and of the Town River at 2 locations between the Lake outlet and the Bridgewater wastewater treatment plant for total phosphorus, chlorophyll-a, blue green algae, nitrate-N, E. coli bacteria, temperature, pH, specific conductivity and chlorides.

A sampling program for Lake Nippenicket should be developed in consultation with the MassDEP Watershed Planning Program. Representative locations recommended by MassDEP such as near route 104, the Lake outlet, and several locations in the lake should be sampled 2 times per month for transparency (Secchi Disk), dissolved oxygen, total phosphorus, nitrate-N, chlorophyll-a, blue green algae, temperature, pH, and specific conductivity at depths and final locations recommended by MassDEP. The applicant should consult with the MassDEP Watershed Planning Program and obtain a Quality Assurance Project Plan (QAPP) approval for this monitoring program.

Each year a summary report with data interpretation and analysis should be submitted to the Town of Bridgewater, MassDEP Planning Program and placed on a website for citizen access. Monitoring is necessary to support evaluation of the impact of both existing and new development at this site as well as support quantification of the ability of this area to assimilate pollution and determine what refinements in pollution measures may be necessary.

The Draft EIR simply states “Comment noted. The Proponent will file a Notice of Intent with the Bridgewater Conservation Commission and comply with all requirements of the Order of Conditions once issued.” The adequacy of post project monitoring is critical to evaluating the environmental impact of this project. The Draft EIR should not be approved until a MassDEP approved monitoring plan is agreed to, and the proponent commits to include it in the stormwater O&M covenant recorded with the Plymouth Registry of Deeds.

No response to this comment provided.

3) Impact on Drinking Water

As mentioned above the project site is inside the Zone II aquifer for the Town of Raynham Center Water District’s drinking water wells. The Town’s Center Water District has recently found both coliform bacteria and PFAS levels in excess of state criteria in its raw water supply. This begs the question of how much additional development this small headwater aquifer can support. Property rights are not a license to pollute. Nor are they a grant of free reign to over develop a sensitive site. The proponent knew the area of the proposed development lies in the ACEC of the Hockomock Swamp as well as inside the Zone II aquifer for Town of Raynham drinking water wells when it purchased the land and

should realize that there is a limit to the development carrying capacity of the site. The developer needs to evaluate the impact of both its current and proposed development on the town of Raynham's major aquifer and primary drinking water wells before further development is allowed. The developer risks a lawsuit if found the source of contamination. The developer's insurers, bankers and stockholders should be advised of this potential liability.

No response to this comment provided.

4) Perennial vs Intermittent Streams

The maps submitted with the DEIR show three streams draining the western, central and eastern wetlands on site. The applicant has attached an August 1999 (23-year-old) evaluation to the DEIR which claims these streams are intermittent. Considering the amount of development and stormwater runoff from the site today recharging these wetlands, it is unlikely that these streams are intermittent currently even if they ever were decades ago. We believe these streams should be treated as perennial streams for water quality review and protection measure purposes because they flow directly to Lake Nippenicket across the street (Route 104) and do in fact carry year-round flow. Climate change and decades of development directing stormwater to adjacent wetlands have assured that even if these streams were intermittent decades ago, they flow permanently now.

No adequate response provided.

5) Area of Critical Environmental Concern (ACEC)

In TRWA's letter of June 14, 2022 we commented that "as far back as 1978, in a report titled Route 495 Areawide Approach to Growth, Part II, the Southeastern Regional Planning and Economic Development District (SRPEDD) identified the necessity to provide guaranteed protection of the Hockomock and Titicut Swamps, Lake Nippenicket, and the adjoining wetlands from the potential impacts of development (this document was in fact submitted with the original Hockomock Area of Critical Environmental Concern – ACEC - nomination in June of 1989). The area of the proposed development lies in the ACEC of the Hockomock Swamp as well as inside the Zone II aquifer for the Town of Raynham drinking water wells. It requires special protection, not the additional creation of up to 13 acres of impervious surface, some of which is on the additional parcel located on the north side of Pleasant Street where a restaurant and parking lot is proposed immediately adjacent to Lake Nippenicket. This is antithetic to an ACEC especially on a Lake and bordering wetlands which feed the Town River, a headwater of the Wild and Scenic Taunton River. This area should not be developed but instead be utilized as open space. The "no build alternative" is the best alternative in this case. Loss of pervious surfaces and vegetation does in fact create susceptibility to climate change in opposition to proponents' argument." The Draft EIR inappropriately dismisses this comment saying in effect that ACEC designation doesn't affect the proponent's ability to do whatever they want. It ignores the fact that this is the fourth phase of development in a sensitive area and that cumulative effects do matter. In evaluating whether this Draft EIR provides sufficient analysis of environmental impact, the MEPA Office must consider whether the applicant has properly considered the sensitivity of the project area and the area's assimilative ability to absorb additional impacts in light of the development that has already occurred. Until the Draft EIR provides this information it's incomplete.

The response to comments inappropriately dismisses this comment saying, "The ACEC Regulations do not prohibit development or override local regulations. The proposed Project complies with environmental regulations and will be reviewed at the local level. Please see Sections 1.2.1 and 1.5. 6491/Lakeshore Center Phase 4 10-81 Response to Comments Epsilon Associates, Inc." The response misses the point of the comment. The developer has been afforded ample freedom to not only develop, but over develop this sensitive site. TRWA and TRSC believe that all the evidence

available indicates that this site does not have sufficient pollution assimilative capacity for further Claremont Corporation expansion to comply with the law. In fact, climate change and storm patterns like we have seen this year and expect to worsen in future years compel the town, Commonwealth and EPA to forbid further expansion at this sensitive location.

The point is “enough is enough” for any water quality limited site. The fact that it is also an ACEC and the developer should have been well aware of its limitations make the Company’s response ridiculous. The town, Commonwealth and EPA need to put a hold on further development.

6) Restaurant Proposed on the Lake Nippenicket Shoreline

TRWA stated in our June 14, 2022 comment letter that the restaurant project on Lake Nippenicket shoreline on the North side of 104 should be abandoned. The existing structures on this location should be removed and the land deeded to the Town of Bridgewater for a park or conservation land as mitigation for the harm from both the current development and adverse effects from the new proposed phases. This site, despite the fact that stormwater infiltration galleries are proposed, is one of the most damaging components of the Phase 4 development. Any stormwater infiltration design constructed will still require a bypass for large storm events like we have seen in this year. Landscaping such as lawns and shrubs will be fertilized. Trash and litter will find their way to the Lake. Residents have raised concerns about noise, light pollution and traffic. This portion of the project has generated a great deal of public concern.

There are ample options for a 179-seat restaurant on the South side of Route 104 adjacent to the already developed areas that would eliminate this environmental damage. There is no excuse for not following the least environmentally damaging alternative for this element of the project. The Draft EIR simply says the proponent chooses to develop a restaurant here missing the point of the comment. We think if the applicant wants to preserve any credibility with its neighbors it will follow our suggestion to make this land a park which will also enhance the value of its properties across the street.

Summary

ACECs as defined are “places that receive special recognition because of the quality, uniqueness, and significance of its natural and cultural resources”. Its designation by the Secretary of Energy and Environmental Affairs means that it should get increased scrutiny and environmental oversight and tighter state permitting by elevated performance standards and lower thresholds. Claremont Companies has received a lot of leeway already in the existing development of the property. The Supplemental Draft Environmental Impact Report reveals how substantial the development of their property has been. As pointed out above, when the company purchased the property it knew of the property’s sensitivity, limited pollution assimilative ability and limited developability.

All the evidence available indicates that this site has reached its full development potential. Lake Nippenicket and the Raynham Center Water District’s aquifer are over their capacity to absorb more pollution. The company has refused to even commit to monitoring Lake Nippenicket and the aquifer to determine what further measures are needed to mitigate the water quality harm from their already completed phases of development.

For the reasons stated above, the Taunton River Watershed Alliance, Inc. (TRWA), and the Wild & Scenic Taunton River Stewardship Council (TRSC) request that a MEPA approval not be granted and further expansion of this development be prohibited.

Sincerely,



Joseph Callahan
President, Taunton River Watershed Alliance

Donna Desrosiers

Co-Chair, Taunton River Stewardship Council (TRSC)¹

cc: via email to,

Rebecca L. Tepper, Secretary EOEEA
Ken Moraff, Director Water Division, EPA Region 1
Lealdon Langley, MassDEP
Julia Blatt, Massachusetts Rivers Alliance
Alison Bowden, The Nature Conservancy
Topher Hamblett, Save The Bay
Kate McPherson, Save The Bay
Kendra Beaver, Save The Bay
Heidi Ricci, Massachusetts Audubon
Beth Lambert, Division of Ecological Restoration, MA Department of Fish and Game
Steve Hurley, Division of Fisheries and Wildlife, MA Department of Fish and Game
Jamie Fosburgh, National Park Service, Wild and Scenic River Program
Lauren Bonatakis, National Park Service, Wild and Scenic River Program
Richard Carey, MassDEP
Thelma Murphy, EPA Region 1
Newton Tedder, EPA Region 1
Dan Arsenaault, EPA Region 1
Helen Zincavage, Southeastern Regional Planning & Economic Development District
Paul M. Maniccia U.S. Army Corps of Engineers
Edward Reiner, EPA Region 1
Pat Driscoll, Chair Bridgewater Planning Board
Rob Rulli, Director Bridgewater Economic & Development
Michael Dutton, Bridgewater Town Manager
Eric Moore, President Bridgewater Town Council
Brad McKinnon, Councilor at Large
Pat Neary, Lake Nippenicket Action Focus Team (LNAFT)

¹ The Taunton River Stewardship Council serves as the central coordinating body for implementing the Wild & Scenic Taunton River Stewardship Plan. Their purpose is to promote the long-term protection of the river. visit www.tauntonriver.org



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

November 6, 2023

Rebecca L. Tepper
Secretary of Energy and Environment
Executive Office of Energy and Environmental
Affairs
ATTN: MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: SDEIR Review. EOEEA #16558
BRIDGEWATER SDEIR for the Lakeshore
Center Phase 4, at Pleasant Street (Route 104)

Dear Secretary Tepper,

The Southeast Regional Office of the Department of Environmental Protection (MassDEP) has reviewed the Supplemental Draft Environmental Impact Report (SDEIR) for the Lakeshore Center Phase 4, at Pleasant Street (Route 104), Bridgewater, Massachusetts (EOEEA #16558). The Project Proponent provides the following information for the Project:

The proposed Project includes new development on Lots 1, 4, 6, and 7 of the Lakeshore Center Development and on the north side of Pleasant Street. See Figure 1-6 for an overall conceptual site plan. Development will include the following components:

- A 1-story, approximately 1,800 GSF café shop on Lot 1;
- A 1-story, approximately 1,800 SF café shop on Lot 1;
- A 5-story, 150-unit (200,000 SF) assisted living facility on Lot 4;
- A 4-story, 225-unit (307,400 SF) 55+ residential community on Lot 6;
- A 4-story, 106-room hotel (69,640 SF), and a
- 4-story, 160-unit (225,000 SF) condominium community on Lot 7; and
- A 179-seat (6,000 SF) restaurant on the north side of Pleasant Street adjacent to Lake Nippenicket.

The Proponent has eliminated the assisted living facility that was proposed on Lot 4 and the condominiums that were proposed on Lot 7 Project in the DEIR. The Proponent currently has no plans for their development and does not foresee pursuing them in at least the next five years. This SDEIR presents information similar to what is provided in an NPC to account for the elimination of the assisted living facility and condominiums. Additionally, the proposed hotel on Lot 7 has increased by one story, 4 rooms, and approximately 170 sf. By increasing the building height by one story, it allows the Proponent to decrease the building footprint by approximately 2,785 sf. Table 1-1 provides a summary of the Project reduced parameters and impacts.

This information is available in alternate format. Contact Glynis Bugg at 617-348-4040.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

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Bureau of Water Resources Comments

Wetlands. According to the SDEIR, the Project will not directly impact jurisdictional wetlands resource areas as the proposed work will be limited to the buffer zone of bordering vegetated wetlands. In addition, some of the proposed work on Lot 1 and the Northern Lot involving slight grade changes, will occur in Land Subject to Flooding but any loss of flood storage, still according to the SDEIR, will be compensated in compliance with the WPA Regulations at 310 CMR 10.57(4)(a)1-3.

The Proponent acknowledges the requirement to obtain Order(s) of Conditions from the Bridgewater Conservation Commission. The Department will review and is reviewing adherence to the respective performance standards during Notice(s) of Intent review.

Waterways. Based on the information contained in the SDEIR, there does not appear to be any proposed activities within Chapter 91 jurisdiction.

NPDES Construction General Stormwater Permit. The Project Proponent reports that a "SWPPP will be implemented during construction to comply with the requirements of the NPDES General Permit for Construction Activities."

Stormwater. Please refer the Drinking Water Protection Section for comments on the permanent stormwater control system.

Underground Injection Control (UIC). The Project Proponent is advised that the proposed leaching chambers may be subject to the jurisdiction of the MassDEP *Underground Injection Control (UIC)* program. These structures must be registered with MassDEP UIC program through the submittal of a BRP WS-06 UIC Registration application through MassDEP's electronic filing system, eDEP. The statewide UIC program contact is Joe Cerutti, who can be reached at (617) 292-5859 or at joseph.cerutti@state.ma.us. All information regarding on-line (eDEP) UIC registration applications may be obtained at the following web page under the category "Applications & Forms": <https://www.mass.gov/underground-injection-control-uic>

As proposed, the leaching chambers meet the UIC regulations definition of "well": "Well means any structure, including but not limited to a bored, drilled, or driven shaft, a dug hole, seepage pit, an improved sinkhole, or a soil absorption system that injects directly to the subsurface regardless of the depth below ground surface of the injection..."

Additional information can be found at: <https://www.mass.gov/how-to/ws-06-registration-of-a-class-v-uic-well-and-modification-of-an-existing-registration>.

Drinking Water Protection. The Department is of the opinion that the Secretary's Certificate should direct the Project Proponent to submit to the Raynham Center Water District a copy of its development plans to facilitate the coordination with the Town of Bridgewater approval for ensuring the appropriate safeguards are in place for protecting the Town of Raynham Center Water District's groundwater source of drinking water in compliance with Volume I of the MassDEP Stormwater Handbook that specifically cite Zone IIs within Section/Standard 6 (Critical Area) of the Stormwater Management Standards (<https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.mass.gov%2Fdoc%2Fmassachusetts-stormwater-handbook-vol-1-ch-1-stormwater-management-standards%2Fdownload&wdOrigin=BROWSELINK>) and the Drinking Water Regulation requirements as specified at 310 CMR 22.21(2)(b)(7).

Stormwater discharges within the Zone II or Interim Wellhead Protection Area of a public water supply and stormwater discharges near or to any other critical area require the use of the specific source control and pollution prevention measures and the specific structural stormwater best management practices determined by the Department to be suitable for managing discharges to such areas, as provided in the Massachusetts Stormwater Handbook. A discharge is near a critical area if there is a strong likelihood of a significant impact occurring to said area, taking into account site-specific factors. Stormwater discharges to Outstanding Resource Waters and Special Resource Waters shall be removed and set back from the receiving water or wetland and receive the highest and best practical method of treatment.

The SDEIR should also ensure that the Drinking Water Regulations standards/safeguards as specified in 310 CMR 22.21(2)(b)(7) for groundwater protection should also be included as part of the Project's development plan - in coordination with the Raynham Center Water District – with the safeguards to ensure they will be implemented particularly an enforceable agreement to implement the described Operation and Maintenance sections of the Stormwater Reports. Installation, Operation and Maintenance of the stormwater system also serves to protect Lake Nippenicket which is part of the Hockomock Swamp Area of Critical Environmental Concern and an Area of Priority Habitat for Rare Species.

Water Management. The SDEIR provides descriptions on the irrigation withdrawals for the Lot 1, Lot 6, Lot 7 and the Northern Lot. The project Proponent states that “the Project will withdraw approximately 27,738 gpd of water from the on-site irrigation wells and the irrigation requirements are based on an estimated 0.6233 gallons/month of water required per square foot of landscaped area”. Although the total acre of the landscaped area is unclear, we are comfortable with the irrigation estimations due to the extensive wetlands associated with the property and the limited development on this site described by the Project Proponent. The Project Proponent should follow the nonessential outdoor water use restriction requirements implemented by the Town of Bridgewater. In addition, MassDEP suggests the Project Proponent to implement the following measures as applicable:

- Metering the irrigation water use;
- Weekly leak detection and repair during the irrigation season;
- Weekly sprinkler maintenance/replacement during the irrigation season;
- Use of drought tolerant grasses and shrubs;
- Reuse of wastewater and/or stormwater for irrigation.

Please note that should the irrigation withdrawal volumes exceed 100,000 gallons for any period of 3 consecutive months, for a total withdrawal of not less than 9,000,000 gallons, a Water Management Act (WMA) permit will be required for those on-site irrigation wells.

Bureau of Waste Site Cleanup (BWSC) Comments

Based upon the information provided, the Bureau of Waste Site Cleanup (BWSC) searched its databases for disposal sites and release notifications that have occurred at or might impact the proposed Project area. A disposal site is a location where there has been a release to the environment of oil and/or hazardous material that is regulated under M.G.L. c. 21E, and the Massachusetts Contingency Plan [MCP – 310 CMR 40.0000].

The proposed Project plans to further develop several parcels within the 167.5 acre Lakeshore Center Development off Pleasant Street (Route 104) in Bridgewater. Please be advised that there are many listed BWSC disposal sites located within and near the proposed Project area. Many of the disposal sites have

been closed under the MCP, but other disposal sites are open and require continued response actions under the MCP. A listing and discussion of each MCP site will not be presented here.

Interested parties may view a map showing the location of BWSC disposal sites using the MassGIS data viewer at [MassMapper](#). Under the Available Data Layers listed on the right sidebar, select “Regulated Areas”, and then “DEP Tier Classified 21E Sites”. MCP reports and the compliance status of specific disposal sites may be viewed using the BWSC Waste Sites/Reportable Release Lookup at: <https://eeaonline.eea.state.ma.us/portal#!/search/wastesite>

The applicant is advised that if oil and/or hazardous materials are encountered during the construction of the stormwater management system and connecting the new building to existing infrastructure, addressing contamination might be accomplished using the Utility-Related Abatement Measures provisions at 310 CMR 40.0461 through 40.0469.

The Project Proponent is advised that if oil and/or hazardous material are identified during the implementation of this Project, notification pursuant to the Massachusetts Contingency Plan (310 CMR 40.0000) must be made to MassDEP, if necessary. A Licensed Site Professional (LSP) should be retained to determine if notification is required and, if need be, to render appropriate opinions. The LSP may evaluate whether risk reduction measures are necessary if contamination is present. The BWSC may be contacted for guidance if questions arise regarding cleanup.

Spill Prevention and Control. Due to the Project’s sensitive nature for protecting water quality within the Zone II of a public water supply, the Project Proponent has adequately proposed to address the importance of incorporating a Spill Prevention and Control Plan and another plan that will be incorporated in the NPDES Draft SWPP. The Proponent should implant a Spill Prevention and Control Plan for the operation of the Project once construction is complete.

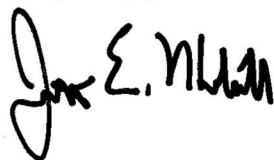
Bureau of Air and Waste (BAW) Comments

Air Quality. As presented within the SDEIR, the Project Proponent’s construction/demolition activities have adequately addressed the Department’s regulatory requirements per 310 CMR 7.09 Dust, Odor, Construction, and Demolition; 310 CMR 7.10 Noise.

Other Comments/Guidance

The MassDEP Southeast Regional Office appreciates the opportunity to comment on this SDEIR. If you have any questions regarding these comments, please contact George Zoto at George.Zoto@mass.gov or Jonathon Hobill at Jonathan.Hobill@mass.gov.

Very truly yours,



Jonathan E. Hobill,
Regional Engineer,
Bureau of Water Resources

JH/GZ

Cc: DEP/SERO

ATTN: Millie Garcia-Serrano, Regional Director
Gerard Martin, Deputy Regional Director, BWR
Seth Pickering, Deputy Regional Director, BAW
John Handrahan, Deputy Regional Director, BWSC
Jennifer Viveiros, Deputy Regional Director, ADMIN
Maissoun Reda, Chief, Wetlands and Waterways, BWR
Brendan Mullaney, Waterways, BAW
Carlos Fragata, Waterways, BAW
Michell Regon, Drinking Water, BWR
Duane LeVangie, Chief, Water Management Act, BWR/Boston
Shi Chen, Water Management Act, BWR/Boston
Joseph Cerutti, Underground Injection Control Program, BWR/Boston
Catherine Sarafinas-Hamilton, Drinking Water, BWR/Boston
Mark Dakers, Chief, Solid Waste Management, BAW
Jennifer Wharff, Solid Waste Management, BAW
Angela Gallagher, Chief, Site Management, BAW
Amanda Cantara, Site Management, BWSC



Maura Healey, Governor
Kimberley Driscoll, Lieutenant Governor
Monica Tibbitts-Nutt, Acting Secretary & CEO



November 7, 2023

Rebecca Tepper, Secretary
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114-2150

RE: Bridgewater: Lakeshore Center Phase 4 – SDEIR
(EEA #16558)

ATTN: MEPA Unit
Purvi Patel

Dear Secretary Tepper:

On behalf of the Massachusetts Department of Transportation, I am submitting comments regarding the Supplemental Draft Environmental Impact Report for the proposed Lakeshore Center Phase 4 in Bridgewater as prepared by the Office of Transportation Planning. If you have any questions regarding these comments, please contact J. Lionel Lucien, P.E., Manager of the Public/Private Development Unit, at (857) 368-8862.

Sincerely,

David J. Mohler
Executive Director
Office of Transportation Planning

DJM/jll

cc: Jonathan Gulliver, Administrator, Highway Division
Carrie Lavalley, P.E., Chief Engineer, Highway Division
Mary Joe Perry, District 5 Highway Director
James Danila, P.E., State Traffic Engineer
Planning Board, Town of Bridgewater
Old Colony Planning Council (OCPC)



Maura Healey, Governor
Kimberley Driscoll, Lieutenant Governor
Monica Tibbitts-Nutt, Acting Secretary & CEO



MEMORANDUM

TO: David Mohler, Executive Director
Office of Transportation Planning

FROM: J. Lionel Lucien, P.E, Manager
Public/Private Development Unit

DATE: November 7, 2023

RE: Bridgewater: Lakeshore Center Phase 4 – SDEIR
(EEA #16558)

The Public/Private Development Unit (PPDU) has reviewed the Supplemental Draft Environmental Impact Report (SDEIR) for the Lakeshore Center Phase 4 located in Bridgewater submitted by Epsilon Associates, Inc. on behalf of Claremont Companies (the “Proponent”).

The Project represents an expansion of the existing Lakeshore Center development on Pleasant Street (Route 104) in Bridgewater. Within the broader development, the Project entails the development of five parcels (Lots 1, 4, 6, and 7 on the south side of Route 104, and Northern Lot on the north side of Route 104) with distinct layouts, access, and uses. Lot 1 will include an 1,800-square foot (sf) drive-through restaurant use with two full-access driveways under STOP-sign control on Route 104. Lots 4 and 6 will include 150 assisted living housing units, 225 age-restricted housing units, and 160 condominium units in mid-rise buildings, with access provided via the existing Lakeshore Center driveway. Lot 7 will include a hotel with 106 rooms with access provided via a new full-access driveway under STOP-sign control on Lakeshore Center Drive. Finally, the Northern Lot will be developed as a 6,000-sf high-turnover sit-down restaurant, with access provided via three full-access driveways on the north side of Route 104.

The Project previously submitted a Draft Environmental Impact Report (DEIR) which was duly noticed in the Environmental Monitor on December 23, 2022, for which the Secretary of Energy and Environmental Affairs issued a Certificate on January 30, 2023, requiring the Proponent to prepare a SDEIR to address several outstanding transportation issues.

The SDEIR includes a revised Transportation Impact Assessment (TIA) prepared in conformance with the current MassDOT/EOEEA Transportation Impact Assessment Guidelines. The study includes a comprehensive assessment of the transportation impacts of the project as well as intersection operations, safety, and bicycle, pedestrian, and transit modes. The TIA generally conforms to the scope as described in the Project DEIR certificate and is generally responsive to MassDOT commentary.

Trip Generation

In the Project DEIR, MassDOT requested that the credits for pass-by trips do not go beyond 15% of the nearby street traffic volume during peak hours for consistency with the (ITE) *Trip Generation Manual* and TIA Guidelines. The maximum percentage of pass by trips over adjacent street traffic is approximately nine percent in the SDEIR.

In April 2022, the Proponent conducted traffic counts to determine the traffic volume on the Lakeshore Center, specifically related to Lot 8's warehouse development. These counts revealed very low trip numbers. The DEIR comment letter requested that the Project team assess whether the warehouse was fully operational during that time and adjust their analysis accordingly. In November 2022, the Proponent conducted additional turning movement counts on Fruit Street during weekday peak hours to supplement the April 2022 data. These new counts also showed low traffic entering and exiting Fruit Street. Since the warehouse on Fruit Street was not fully occupied in November 2022, trip generation for the warehouse was estimated based on LUC 150 from the ITE Trip Generation Manual to reflect a fully operational warehouse. The estimated traffic generation, previously approved for the warehouse by MassDOT, was then distributed across the study area roads for the 2022 Existing analysis.

Traffic Operations

The Project plans to introduce six additional entrances onto Route 104, in addition to the current organized driveway serving the Lakeshore Center. While this section of Route 104 is not under MassDOT jurisdiction, the Proponent is expected to consider access management options that would reduce the number of curb cuts and their resulting traffic effects within the study area. Accordingly, the Proponent should consider eliminating the eastern cafe driveway on Route 104 and providing an internal access between the cafe and the rest of Lakeshore Center. The shared access would remove what would otherwise be internal capture trips from Route 104.

The previously proposed access point linking Route 104 via Old Pleasant Street has been altered to function solely as an emergency access driveway. This adjustment reduces the number of newly proposed access points along Route 104. The Proponent should be aware that this access point is proposed on property owned by MassDOT currently used as a Park and Ride. If approved, the proposed driveway will be restricted to emergency purposes only. All general traffic will be required to access the hotel facility via Lakeshore Center Drive.

Safety

The Proponent, in consultation with MassDOT District 5, suggests implementing warning signage on Pleasant Street, re-striping the stop bar on Lakeside Drive, relocating the stop sign on Lakeside Drive, adding a stop sign and stop bar on Fruit Street, and trimming vegetation at the intersection to enhance visibility. The Proponent has committed to

implementing these improvements, which will be included in the FEIR. MassDOT still recommends that the Proponent commit to investigate adding left-turn lanes at the Route 104 eastbound approach into Fruit Street and at the Route 104 westbound approach onto the Route 24 southbound ramps. The Proponent should discuss the feasibility of these improvements in the FEIR.

Transit Operations

MassDOT encourages the Project's team to work with the Brockton Area Transit (BAT) and the Greater Attleboro-Taunton Regional Transit Authority (GATRA) on expanding transit services in their final mitigation plan. In order to tackle this effort, the Proponent has been collaborating with BAT and GATRA, discussing potential transit expansion in the project study area. While there might not be enough demand for fixed route service due to project changes, both organizations are open to future connections. The Route 104 corridor is a potential candidate for a bus route connecting Brockton and Taunton, with Lakeshore Center as a possible stop. The development site plans include provisions ensuring bus navigability, adjusting the park-and-ride area, and creating a waiting area if the transit connection becomes a reality. Additionally, a covered pickup and drop-off area for the 55+ residential building is proposed. The Project team commits to annual check-ins with BAT, GATRA, and the Town of Bridgewater to explore future transit expansion possibilities and support.

Mitigation

The Proponent plans to enhance transit access and safety at the Pleasant Street/Lakeside Drive/Fruit Street intersection. They will do this by adding intersection warning signs, re-striping Lakeside Drive, relocating stop signs, adding a stop sign and stop bar to Fruit Street, and trimming vegetation.

The Transportation Demand Management (TDM) program and Traffic Monitoring Program (TMP) remain the same as outlined in the DEIR. The goals of the monitoring program will be to evaluate the assumptions made in the FEIR and the adequacy of the mitigation measures, as well as to determine the effectiveness of the TDM program.

Section 61 Finding

The SDEIR includes a revised Draft Section 61 Finding outlining the mitigation measures the Proponent has committed to implementing in conjunction with this Project. The FEIR should include any updates to the draft Section 61 Finding in case of further discussions with MassDOT. The revised Draft Section 61 Finding will be the basis for MassDOT to issue a final Section 61 Finding for the project.

The Proponent should additionally continue consultation with the Town of Bridgewater, BAT/GATRA, and appropriate MassDOT units, including PPDU, Traffic

Operations, and the District 5 Office during the preparation of the FEIR for the Project. If you have any questions regarding these comments, please contact William Simon at *William.M.Simon@dot.state.ma.us*.



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF
ENERGY AND ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENERGY RESOURCES
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Maura Healey
Governor

Kim Driscoll
Lt. Governor

Rebecca Tepper
Secretary

Elizabeth Mahony
Commissioner

9 November 2023

Rebecca Tepper, Secretary
Executive Office of Energy & Environmental Affairs
100 Cambridge Street
Boston, Massachusetts 02114
Attn: MEPA Unit

RE: Lakeshore Center Phase 4, Bridgewater, EEA #16558

cc: Jo Ann Bodemer, Director of Energy Efficiency, Department of Energy Resources
Elizabeth Mahony, Commissioner, Department of Energy Resources

Dear Secretary Tepper:

DOER has completed its review of the Supplemental Draft Environmental Impact Report (SDEIR) for the Lakeshore Center Phase 4 proposed project. The project includes the following:

- 5-story, 110-room hotel (69,800-sf)
- 4-story, 225-unit multifamily building (307,000-sf)
- 6,000-sf restaurant and 1,800-sf café

I. Executive Summary

A. Hotel

The hotel as proposed will have poor energy performance and high emissions. As proposed, the building will leave a significant legacy of emissions and impacts to the electric grid. The related potential costs to current and future hotel owners, guests, and utility ratepayers have yet to be fully evaluated to complete this GHG review. Further, as proposed, the building does not meet current stretch code and will have “negative” GHG mitigation.

The submission states that this building has already obtained a building permit. This presents a significant concern as the MEPA GHG evaluation process for this building is not complete. It is

recommended that any permit be withdrawn to allow for completion of the MEPA mandatory process and ensure the outcome of the MEPA review is reflected in the building design underlying the building permit.

The submission included an evaluation of a much higher-performing alternative having much lower emissions, now and in the future, and which would not leave a negative cost and emissions legacy. When fully evaluated, DOER believes that this alternative building design would also be more cost effective.

B. Multifamily Building

The multifamily building design includes some measures to improve building performance (Passivehouse-level air infiltration, quality windows, high level of roof performance, high level of energy recovery) but the GHG mitigation benefits are undermined with the proposed extensive use of fossil fuels.

Additionally, the analyses show that the multifamily building would meet Passivehouse certification with only minor changes to the proposed windows, at an additional incremental cost of about \$100,000. With a Passivehouse design, however, the project would be eligible for a \$633,000 MassSave incentive. As a result, a Passivehouse option would have a lower net cost than the proposed building design. Further, based upon the information provided, additional savings would be realized by swapping the proposed gas space heating system to a heat pump space heating system which would also further enhance the resulting GHG mitigation.

While the Passivehouse option appears to cost more in the submission this is because an expensive heat pump service water heating system is proposed. It is not necessary, however, to use heat pumps for service water. In our ENF and our DEIR, DOER recommended examining sub-scenarios of Passivehouse having gas service water and electric resistance service water. Although the submission failed to present either of these options, the information presented indicates that a Passivehouse option with heat pump space heating and either electric resistance or gas service water heating would cost less than the proposed design. Either one of these options is recommended.

C. Restaurant and Café

Minor clarifications are required, as described herein.

II. Detailed Comments and Recommendations

A. Hotel

Comments (black bullets) and recommendations (white bullets) for the hotel are as follows:

- The submission states that the building permit has already been obtained. This is unusual since the project is still undergoing MEPA review and decisions regarding building choices affecting GHG reductions remain outstanding. This project was subject to supplemental review because of insufficient response to GHG issues in the initial filing.

- In the next submission, the project should provide evidence that a 100% construction document set (including all architectural, structural, plumbing, electrical, and mechanical drawings) along with requisite energy modeling submissions were provided to the town for the building permit, along with a copy of the building permit itself. Receipt of this information is important to understand whether the permit obtained is for the building construction or whether the permit submitted is for non-building related “enabling” work (e.g. earthwork, utilities, civil infrastructure, etc).
- If the permit is for the building itself, the building permit should be withdrawn and refilled only after all the MEPA GHG review is completed and all related issues are settled. Otherwise, there is the risk that the permitted building will not reflect a completed MEPA process and the building will not be built with all feasible measures to avoid GHG.
- The submission relies on an out-of-date code and baseline since its building permit pre-dates the current stretch code 1 July 2023 adoption.
 - DOER recommends that the project use the current stretch code, effective on 1 July 2023. The current stretch code contains additional cost-effective improvements specifically targeted at GHG emissions reduction, as confirmed by an extensive study¹.
- The hotel, as proposed, would be significantly lower-performing than it would be if designed to the current stretch code. Compared to current stretch code, the hotel as proposed would have “negative” GHG mitigation. In summary, the proposed building is low performing from a GHG standpoint because of (1) poor energy efficiency of the building itself and (2) extensive use of fossil fuels.
- The submission includes an evaluation of a low “TEDI” alternative scenario² that is significantly superior to the proposed building for GHG mitigation. Further, unlike the proposed building, the low-TEDI building would satisfy the current stretch code. The “low-TEDI” scenario is both highly efficient and entirely avoids fossil fuels. The following is taken from the SDEIR:

¹ https://www.mass.gov/info-details/final-stretch-code-guideline-materials?auHash=cyHdJ0-aKeSKJLbQxVafygKhfAQT_ONW7kiF-sgWGMk#stretch-energy-code-study-report

² TEDI stands for “thermal energy demand intensity” and is a direct measure of a building’s thermal performance. Addressing building thermal performance is essential for building decarbonization and emissions reduction.

	Proposed with fossil fuels	Low-TEDI with no fossil fuels	Improvement of low-TEDI over proposed
Emissions reduction	14%	38%	x2.7 more reduction
Heating TEDI (kBtu/sf-yr)	6.9	2.7	60% lower TEDI
Peak electric use (kW)	105	81	22% lower peak electric
Gas use (Mmbtu/yr)	464	0	100% reduction in f.fuel
Peak heating (MBH)	441	226	49% less peak heating
Air infiltration (cfm @ 75Pa)	0.4	0.1	75% less air infiltration
Window performance (U)	0.38	0.25	34% higher perf. windows
Overall vertical performance (U)	0.1448	0.0981	32% high perf. walls
Energy recovery effectiveness	50%	70%	40% higher energy recov.
Roof (U)	0.032	0.0166	48% high perf. roof
Cost to operate	\$72,500	\$58,700	20% less costly

- As characterized above, compared to the low-TEDI scenario, the proposed building will (a) have higher emissions, (b) put more stress on the electric grid, (c) use more energy, (d) use more fossil fuels, (e) have higher peak loads, (f) use larger HVAC equipment, (g) be less comfortable and resilient, and (h) cost more to operate.
 - Because of the superior performance, DOER recommends adoption of the low-TEDI scenario. This will also satisfy the code issues described above.
- The submitted cost analysis compares the proposed building HVAC costs to the low-TEDI building HVAC costs, concluding that the low-TEDI building will have much higher HVAC systems costs. This is an unusual conclusion because the analyses in the submission show that the low-TEDI scenario has much reduced HVAC needs than the proposed, as follows:

	Proposed (gas)	Low-TEDI; hp DW (elec)	Improvement of low TEDI over proposed
Heating peak (MBH)	441	226	48% smaller
Cooling peak (MBH)	174	157	10% smaller
Heating TEDI (kBtu/sf-yr)	6.9	2.7	60% lower TEDI
Peak electric use (kW)	105	81	22% lower peak electric
Number of utilities	Gas and elec	Just elec	50% fewer
Perimeter heating required	Yes	No	Elim perimeter systems

It is unusual to conclude that an HVAC system having 48% smaller heating peak, 10% smaller cooling peak, 60% less heating demand, and 22% smaller peak electric use would cost more. Further, the submission states that the low-TEDI HVAC system would cost twice as much to build.

- Revise the cost estimate as necessary to reflect a reduction, not a x2 increase, in HVAC system size commiserate with the reduced HVAC needs of the low-TEDI scenario.

Additionally, the proposed building has high air infiltration and low window/wall performance that requires perimeter heating adjacent to perimeter walls/windows to avoid comfort and condensation issues. Perimeter heating is not required in a low-TEDI building and should therefore further reduce costs.

- Revise the cost estimate to reflect the elimination of perimeter distribution.
- The cost estimate for the low-TEDI scenario sizes the HVAC system about x7 larger than required. Specifically, a 127-ton system is priced while 18 ton (226 MBH) is the peak load, according to the analysis.
 - Revise the cost estimate to reflect right sizing of the HVAC system.
- The proposed building makes extensive use of fossil fuels and will eventually require an expensive retrofit in the future to convert from fossil fuels to electric heat pumps. The building's planned low performance will exacerbate the cost of this future conversion. As a result, significant costs that could be avoided will be placed on the future building owners, hotel guests, and Massachusetts ratepayers.

The proposed building will also place larger load on the electric grid than the low-TEDI building alternative. In addition, the future load on the electric grid will significantly increase after the building is retrofitted from gas to electric heat pumps.

Shown below is the peak electric use of the proposed building design (which uses gas space and water heating) compared to the low-TEDI scenario (which uses electric heat pumps for space and water heating.) Today, the low-TEDI building has 22% lower electric peak use. In the future, when space and water heating is retrofitted from gas to electric, the peak electric use of the proposed will have almost x2 more peak electric needs.

	Proposed	Low-TEDI	Improvement of low TEDI over proposed
Peak electric use (kW) – today	105	81	22% lower peak electric
Peak electric use (kW) – future	145	81	44% lower peak electric
Gas to elec retrofit required?	Yes	No	Avoids expensive retrofit

- Provide the following cost evaluations: (a) cost from the electric utility associated with higher electric peak today (105 vs 81 kW); (b) cost to retrofit the proposed building from gas space and water heating to electric space and water heating; (c) additional upgrade cost from the electric utility to increase service from 105 to 145 kW in the future to support the electric conversion. The costs for both (a) and (c) need to be provided by the electric utility provider. Provide correspondence to/from the local electric utility for these items as backup.

B. Multifamily Building

Comments for the multifamily building are as follows:

- The proposed multifamily building incorporates some measures to improve building performance (Passivehouse-level air infiltration, quality windows, high level of roof performance, high level of energy recovery). Analyses included in the submission show that Passivehouse performance can be achieved with only a minor change to window performance, which would cost about \$100,000. Achieving Passivehouse performance, however, would also qualify the building for a \$633,000 MassSave incentive. In summary, a Passivehouse option would cost less to build than the propose building (more below).
- The proposed multifamily building includes both gas space heating and gas service water heating. The SDEIR evaluated an alternative Passivehouse option that swaps gas to electric heat pump space and service hot water heating. This scenario is dismissed as not cost effective, reported in the SDEIR as costing \$1,129,404 more than the proposed building. However, almost all the additional cost is attributable to swapping the service water from gas to heat pump, with very little of the reported cost attributable to delivering Passivehouse performance of the building itself, as noted above.
- For example, the same Passivehouse option (with heat pump space heating) but with electric resistance or gas service water heating would cost between about \$330,000 to \$760,000 less than the proposed option, using the information provided in the submission as follows:

Scenario	PH heat pump water heating	PH electric resistance water heating	PH gas water heating
building performance	Passivehouse	Passivehouse	Passivehouse
space heating	Heat pump	Heat pump	Heat pump
water heating	heat pump	Electric resistance	gas
Evaluated in SDEIR?	Yes	No	No
Recommended to be evluated	Yes	Yes	Yes
1. heat pump space heating in lieu of combi boilers	(119,888)	(119,888)	(119,888)
2. add gas water heating (allowance \$1580/unit)			350,000
3. add electric resistance water heating (allowance \$680/unit)		150,000	
4. added circuitry and equipment for tank type water heaters	1,423,240	0	0
5. heat pump domestic water heaters in lieu of electric resistance	619,242	0	0
6. gas piping credit	(232,934)	(232,934)	0
7. glazing enhancements for lower u values	102,744	102,744	102,744
8. passivehouse incentive	(663,000)	(663,000)	(663,000)
Add'l cost compared to proposed	1,129,404	(763,078)	(330,144)

Items 2 and 3 in above are allowances added by the DOER. Items 1 and 4 through 8 are provided in the submission.

Recommendation for the multifamily is as follows:

- The analyses already show that a Passivehouse option with either electric resistance service water heating or gas service water heating would cost less than the proposed. DOER recommends either one of these options.

C. Restaurant and Café

The restaurant and café require only minor clarifications. The submission states that both buildings will commit to having “all-electric” heat and hot water. DOER recommends the following clarifications:

- Clarify that both buildings will have electric heat pump space heating with no electric resistance space heating.
- Clarify whether the buildings are proposing electric resistance service water heating or air source heat pump service water heating.

III. PV readiness

The project is committing to the following:

- For the hotel and multifamily building: all roof area outside of the mechanical space will be PV ready.

No information was provided regarding whether any above-code PV readiness will be provided for the restaurant and Café. The next submission should clarify whether above-code PV readiness will be provided for the restaurant and cafe.

Lakeshore Center Phase 4, EEA No. 16558
Bridgewater, Massachusetts

IV. EV Installations and EV Readiness

The project is committing to the following:

- For the hotel: 8 EV charging spaces and 20% of spaces EV ready.
- For the multifamily building: 10 EV charging spaces and 20% of spaces EV ready.

No information was provided regarding whether any above-code EV readiness or EV stations will be provided for the restaurant and Café. The next submission should clarify whether above-code EV readiness and EV stations will be provided for the restaurant and cafe.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul F. Ormond". The signature is fluid and cursive, with a large loop at the end.

Paul F. Ormond, P.E.
Energy Efficiency Engineer
Massachusetts Department of Energy Resources