



Charles River Watershed Association

BY FAX AND MAIL

May 10, 2006

Stephen Pritchard, Secretary
Executive Office of Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Attn: Anne Canaday, MEPA Unit

**Re: *Draft Environmental Impact Report, Legacy Place Development,
Dedham, MA, EOE # 13677***

Dear Secretary Pritchard:

The Charles River Watershed Association (CRWA) submits the following comments on the Draft Environmental Impact Report (DEIR) for the above-referenced project. As discussed below, we do not believe that the DEIR adequately and properly complies with MEPA and therefore request that you require a supplemental DEIR, or in the alternative, that you issue a very detailed scope for the final EIR (FEIR).

Alternatives Analysis

Despite your directive that the proponent analyze the no build conditions and alternative site layouts “in order to arrive at a site layout that minimizes overall impacts,” the DEIR fails to do this. The DEIR simply states that the “the proponent rejects the No-Build Alternative” and that there are “no other alternatives or alternative layouts that accomplish the Objective of the Project.” DEIR at 32. For this reason alone, the DEIR is defective. The proponent’s reasons for not analyzing the alternatives is non-responsive and particularly inexplicable in view of its response to comments on the ENF Certificate that “multiple site configuration have been considered during the due diligence phase[.]” DEIR at 137). The FEIR must present significantly more information on what alternatives have been considered, in order to comply with the requirements of MEPA.

Stormwater and Drainage

The stormwater management plan presented in the DEIR is also inadequate. It lacks sufficient detail, does not meet the needs of the environment, is out of step with current best practice for urban redevelopment sites, and fails to comply with the intent of the state stormwater policy. DEP’s current stormwater policy requires that all sites, even redevelopment sites, improve existing conditions. The intent of DEP was clearly to

require meaningful environmental improvements with redevelopment. The SEIR or FEIR should present an analysis of the range of stormwater management practices that have been considered for the site, and determine which are desirable and practicable for the site. The FEIR should include an analysis of opportunities for recharge of runoff from impervious areas other than rooftop runoff; improved source control of runoff throughout the site; better control of pollutants of concern (especially sediments, nutrients, metals and petroleum-based pollutants, all common pollutants in runoff from commercial and industrial sites); and an analysis of Low Impact Development (LID) practices including reduced imperviousness, green roof technology, rain gardens, biofiltration and increased vegetation on-site.

The DEIR also fails to discuss feasible methods of reducing impervious surfaces as requested by DEP in its comments on the ENF and also in the ENF Certificate. Since rooftop runoff contains contaminants, the proponent should discuss stormwater treatment before it enters the holding tanks to be used for irrigation. We note that the “first flush” of stormwater carries the most pollutants and should not be used for irrigation.

The proponent should explain its statement in the DEIR that the project “maximizes preservation of open space.” DEIR at 149. It is very difficult to tell from the maps submitted what the project site layout is.

The Operations and Maintenance Plan for stormwater BMPs and overall site maintenance should be included in the SEIR.

Wastewater and Water

From a water budget perspective, the Town of Dedham is in a large water deficit and its infrastructure is causing massive dewatering of the area. This is because it exports its wastewater out of basin to the MWRA Deer Island plant, 75% of this “wastewater” is inflow and infiltration (I/I), or stormwater and clean groundwater that enters the pipes locally, and its municipal stormdrain system carries off stormwater before it can infiltrate into the ground. Dedham also has a high degree of imperviousness that impairs aquifer recharge. This engineered water cycle results in water shortages and not surprisingly, the Dedham Westwood Water District (DWWD), which withdraws water from both the Charles and Neponset basins pursuant to a registration and permit from the Department of Environmental Protection (DEP), is experiencing difficulty in meeting peak summer demand.

The FEIR should include specific information about how DEP’s Inflow and Infiltration (I/I) reduction requirements will be met; what conservation measures, including water reuse,¹ have been evaluated for the project; and what educational and training programs will be put in place to ensure the success of both conservation and stormwater management programs. We note that Dedham has the highest I/I rates in the MWRA system. The project’s participation in the town’s I/I removal program should be discussed in the EIR.

¹ The proponent should explain its statement that reuse of grey water is “unfeasible.” DEIR at 137

Dedham Westwood Water District (DWWD) is developing a conservation fee program for development to offset the increased demand on the public water supply system. This fee, which is separate from the access fee required for new water users, will as we understand it, be used to reduce water demand by financing water conservation measures, such as the installation of low flow toilets in older homes and subsidizing front loading washing machines and other state-of-the-art low flow devices. We think the fee could also be used to enhance off-site stormwater infiltration and aquifer recharge. The proponent should report on its discussions with DWWD and commit to participation in the water conservation fee program in the EIR.

The proponent agrees that It should also commit to developing a water conservation program for residents, as well installation of low water use dishwashers and washing machines.

Traffic, Air and Noise

No landscaping plan
Or snow removal

Permits

While a federal dredge and fill permit and water quality certificate are discussed in the DEIR, these are not listed in the permits on page ____ of the DEIR.

Please feel free to call me at 781-788-0007, ext. 234 if you have any questions.

Very truly yours,

Margaret Van Deusen
Deputy Director

cc: Dedham Planning Board
Dedham Conservation Commission
Nan Crossland, Dedham Westwood Water District