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*Executive Director*

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Secretary Richard K. Sullivan, Jr.  
Executive Office of Energy and Environmental Affairs  
Attention: MEPA Office  
William Gage, EEA # 14784  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Re: South Sandwich Village Draft Environmental Impact Report  
EEA # 14784

**Kristin Andres**

Dear Secretary Sullivan:

**Sandy Bayne**

**Michael Corrigan**

**Anne Ekstrom**

**Katherine Garofoli**

**Jean C. Mangiafico**

**Paula Miller**

**Jonathan Moore**

**Erica Parra**

**Mark H. Robinson**

**Janice Walford**

**Daniel Webb**

The Association to Preserve Cape Cod (APCC), Cape Cod's nonprofit environmental advocacy and education organization, submits the following comments on the South Sandwich Village Draft Environmental Impact Report (DEIR), EEA # 14784.

The applicant for the South Sandwich Village project proposes an 886,600 sq. ft. mixed use development on approximately 50 acres in the so-called Golden Triangle designated Economic Center in the town of Sandwich, along with a wastewater treatment facility (WWTF) to be located approximately one mile from the mixed use development site. The South Sandwich Village project would involve redevelopment of approximately 25 acres and new development on 23 acres of greenfield land.

Land Use

According to the DEIR, the project will be constructed in phases, beginning with construction of the WWTF, redevelopment of the existing Canterbury Plaza, Heritage Plaza and Trade Winds Plaza parcels, and finally development of currently undeveloped greenfield land. APCC supports construction of the wastewater infrastructure first, and also supports redevelopment of the current uses before any new development occurs. APCC believes this planning sequence is a responsible approach to development, and should be established as a condition in the Development Agreement the applicant intends to propose to the Cape Cod Commission. The applicant should confirm in the FEIR that the initial phases of the redevelopment will incorporate a mix of residential uses and compatible commercial uses, and not just commercial.

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APCC is very supportive in general of mixed use redevelopment projects in designated villages and economic centers that consolidate development and protect outlying natural resource areas, provide both market rate and affordable housing, include economic opportunities that provide necessary services to sustain a vibrant community, and that also provide jobs with livable wages. That being said, APCC is discouraged by the continued inclination to rely primarily on additional retail uses as a means of increasing economic development opportunities in a community. APCC continues to worry that the Cape has become “over-retailed.” This over-emphasis on retail was the trend on Cape Cod prior to the national economic downturn, and the 364,000 sq. ft. of retail planned for South Sandwich Village is an indication that this trend is continuing. Retail uses typically are low-paying, generate high volumes of traffic, and may be reaching a point of unsustainability on Cape Cod.

Although this project has substantial redevelopment components and is located in a designated Economic Center, the overall proposed 886,000 sq. ft. development is still very large for the Cape Cod region (for comparison, the Cape Cod Mall is approximately 821,000 sq. ft.; Mashpee Commons at present is approximately 390,000 sq. ft.). Consequently, the South Sandwich Village project will result in significant impacts to traffic, water use, land use and community character that must be properly mitigated in accordance with regional land use and planning policies as required in the Cape Cod Regional Policy Plan (RPP).

#### Natural Resources/Open Space

Although the South Sandwich Village project site is located in a designated Economic Center, the project is also located in a mapped Significant Natural Resource Area (SNRA). According to the RPP, projects located in SNRA are subject to a 2:1 ratio open space to development requirement, even if a project is also located in an Economic Center. Within the proposed South Sandwich Village development envelope, 23 acres of the total project area will be new greenfield development, meaning the applicant is responsible for providing 46 acres of open space for this mixed use development component of the project. The DEIR indicates the applicant intends to propose a reduction in the RPP open space requirement from the 2:1 ratio required in the RPP. Although this discussion will largely take place as the applicant pursues a Development Agreement with the Cape Cod Commission, APCC goes on record here as strongly opposing reductions in the open space requirement for any project located in SNRA. It is important that the proposed increase in commercial and residential density from the South Sandwich Village project be offset by appropriate density reductions in the surrounding area.

The other component of the project, where the WWTF is proposed, is located within rare species habitat, SNRA, a potential public water supply area, and is also partially within a Zone II. The applicant proposes to use two narrow noncontiguous parcels of town-owned land totaling 26 acres as mitigation for rare species habitat impacted by the proposed WWTF, as required by the state’s Natural Heritage and Endangered Species Program (NHESP). It is unclear in reviewing the DEIR whether these parcels abut protected land or whether they are isolated strips of land that could be potentially surrounded by future development. APCC requests more information in the FEIR about the development potential of the 26 acres of town-owned land and whether they are contiguous with other protected properties.

The DEIR states that a recent Sandwich town meeting voted to place a Conservation Restriction on the above-mentioned two parcels specifically for the purpose of mitigating the WWTF, but the DEIR does not indicate the history of the land, particularly how or when the land was acquired by the town and what the original intended use of the land was at the time of its acquisition. Using the 26 acres to mitigate the WWTF impacts on rare species habitat is perfectly appropriate if there was never an identified intended use for the 26 acres or if it was intended to be eventually developed by the town.

But, the parcels' appropriateness as mitigation for the WWTF may be problematic if the town originally acquired the properties through purchase or donation for conservation, watershed protection or passive recreational use. It is APCC's understanding that meeting RPP open space requirements by using land that was already acquired for conservation purposes is not permitted in the RPP. Providing this information in the FEIR would satisfy any uncertainties about these parcels, since this is a rather unique situation where a town is providing municipally-owned property to a private developer in order to mitigate a non-municipal development project. If there are no issues with the original intended use of the parcels, it appears the 26 acres can satisfy both the habitat protection requirements as stipulated by NHESP, as well as the RPP open space requirements specifically for the WWTF component of the project.

However, in reviewing the DEIR it appears the applicant proposes to use the same 26 acres that have been identified as mitigation for the WWTF to also satisfy the RPP open space requirements for the South Sandwich Village mixed use development. It is APCC's understanding of the RPP that such a proposal is not permissible. The 26 acres can be used to mitigate rare species habitat impacts and satisfy RPP open space requirements for the WWTF, but it cannot be used to also satisfy the open space requirements for the mixed use development. Such "double dipping" would count the same parcels twice for two completely different purposes. It would fail to address the required open space set aside for the South Sandwich Village development and would fall far short of meeting the total open space requirements for both components of the project. If APCC's reading of the DEIR is accurate, such a proposal should not be accepted by the Cape Cod Commission.

It is preferable that this question of total number of acres necessary to meet the project's open space requirements be clarified in the FEIR. At a minimum, though, this issue must be resolved early in the Development Agreement process with the Cape Cod Commission.

#### Wastewater

The mixed use development project is located within one and possibly two nitrogen sensitive watersheds and within a Wellhead Protection Area. As stated earlier in this comment letter, it is essential that adequately addressing the project's wastewater impacts be the main focus and first priority of the project. APCC agrees with the applicant's proposal to provide for the necessary wastewater infrastructure in the first phase of project planning and construction. APCC also commends the applicant's efforts to work with the town and other private uses to develop a more comprehensive wastewater plan for the area.

On the subject of seeking comprehensive wastewater infrastructure opportunities, it has been reported that the wastewater treatment facility at the Massachusetts Military Reservation (MMR)

has excess capacity that could accommodate wastewater flows from surrounding community uses. The MMR treatment facility is also reportedly capable of providing a higher level of treatment than what has been proposed for the WWTF in the DEIR. Indications from leadership at the MMR suggest the base would welcome discussions with bordering towns about partnerships that could lower infrastructure costs for the towns while providing for a more efficient system at the base. APCC would like to see information in the FEIR regarding whether the potential viability of utilizing the existing infrastructure at the MMR has been explored as an alternative by the applicant and the town of Sandwich.

According to the DEIR, the proposed discharge site for the WWTF is outside of any Zone II drinking water supply. However, maps provided in the DEIR indicate that the discharge site directly abuts the boundaries of a Zone II. APCC recommends that the FEIR provide more information about the potential for the discharged wastewater from the WWTF to influence the area's hydrology and impact groundwater within the Zone II.

#### Stormwater Management

The DEIR states that the project will utilize low impact development techniques to address stormwater management for the project, and provides some description of some of the concepts being proposed. The DEIR provides a conceptual site plan that suggests how stormwater best management practices would be used on the project site. APCC looks to the FEIR for more details on the applicant's stormwater management plan.

#### Traffic<sup>1</sup>

The South Sandwich Village project would result in significant increases in vehicle trips. The DEIR's analysis shows the project would generate 10,591 adjusted weekday daily trips and 10,015 adjusted Saturday daily trips. This increase will impact both regional and local roads. APCC looks for more information on appropriate traffic mitigation proposals in the FEIR and in the Cape Cod Commission review process that will reduce project impacts and prevent any degradation of safety. APCC urges the applicant to work with the Cape Cod Commission on mitigation measures that will not adversely change the character of roadways in the study area, particularly on roads that are more rural in character.

The applicant is required to reduce project trip generation by 12.5 percent to meet the standards of the RPP.

The DEIR proposes that a five percent project trip reduction credit be given for a Travel Demand Management (TDM) program. Although worthy efforts, APCC continues to question the true effectiveness of some of the TDM programs commonly accepted by the Cape Cod Commission for reducing project trips, and suggests that crediting the South Sandwich Village TDM program for reducing total project trip generation by five percent is overly optimistic.

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<sup>1</sup> Comments on traffic impacts reflect APCC's review of the May 31, 2012 DEIR. Additional information that may be present in a revised traffic analysis by the applicant in response to comments from the Massachusetts Department of Transportation have to date not be received by APCC for review. APCC may send supplemental comments if the applicant's revised traffic information is received prior to the close of the public comment period.

The remaining 7.5 percent project trip reduction would be applied by providing shared access with adjacent developments, utilizing connections and reducing curb cuts through an internal “main street.” APCC believes that the project proposal for shared access and an internal “main street” are essential in reducing traffic impacts on streets outside the project, and APCC strongly supports this aspect of the project proposal.

Conclusion

The DEIR describes many positive aspects of the proposed South Sandwich Village project, including utilizing redevelopment within a previously designated Economic Center, creating a mixed use development with a traditional village layout that encourages pedestrian activity, incorporating civic uses and public areas within the development plan, and proposing a wastewater infrastructure plan that will include capacity for other existing and future public and private uses. There are other aspects of the project that need further study and mitigation, including traffic impacts, potential wastewater discharge impacts to a Zone II, and identifying appropriate open space offsets, as discussed above. APCC looks forward to reviewing the FEIR for additional information, as well as providing comments as the applicant moves forward in pursuing a Development Agreement with the Cape Cod Commission.

APCC thanks the Secretary for this opportunity to comment.

Sincerely,



Ed DeWitt  
Executive Director



Don Keeran  
Assistant Director

cc: Cape Cod Commission