



# The Commonwealth of Massachusetts

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January 22, 2007

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## CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE THE NOTICE OF PROJECT CHANGE

PROJECT NAME :Christina Estates  
PROJECT MUNICIPALITY :North Attleborough  
PROJECT WATERSHED :Blackstone  
EOEA NUMBER :13709  
PROJECT PROPONENT :Cumberland Associates Realty Trust  
DATE NOTICED IN MONITOR :January 11, 2006

Pursuant to the Massachusetts Environmental Policy Act (G. L., c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I determine that this project **continues to require** the preparation of an Environmental Impact Report (EIR). The proponent has requested a Phase I Waiver to allow the first phase (Phase I) of the project to proceed, pending the preparation of a Draft Environmental Impact Report (DEIR) for the project. The Phase I Waiver Request was presented within the Notice of Project Change submittal (NPC). In a Draft Record of Decision (DROD), also issued today, I have proposed to **grant** a Phase I Waiver with conditions allowing the construction of Phase I of the Christina Estates residential subdivision project to proceed while the DEIR is being prepared.

### Project History

The proponent submitted an Environmental Notification Form (ENF) in January 2006 for the development of a 110 unit residential subdivision, including 110 surface parking spaces, approximately 10,000 linear feet of roadway with sidewalks, and associated utilities and stormwater management infrastructure including 4 stormwater detention basins, on a 102-acre site in North Attleborough. A Secretary's Certificate was issued on March 10, 2006 requiring the proponent to complete the preparation of a Draft and Final Environmental Impact Report (DEIR, FEIR) for the proposed project.

### Phase I Waiver Request

According to the information contained in the Notice of Project Change (NPC), the proponent is requesting a Phase I Waiver to construct approximately a portion of the proposed residential subdivision project including 18 individual house lots (#'s 7-22, 25, 26), 2,000 linear feet (lf) of site drive and internal roadway, approximately 630 lf of water main and approximately 4,650 lf of sewer pipe within a 16.2-acre portion of the 102-acre project site located off Cumberland Avenue in North Attleborough. The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over one acre. As depicted on a site plan (NPC-I) provided with the NPC submittal, the primary access for the Christina Estates project and the Phase I project will be located on Cumberland Avenue.

### Wastewater

According to the proponent, each of the 18 houses proposed as part of the Phase I development plan will be served by individual on-site Title 5 wastewater treatment systems in accordance with Massachusetts Title 5 regulations. The proponent's site plan for the Phase I development (NPC-I) identifies the location of 14 separate leach fields corresponding to 14 proposed houses and their respective on-site Title 5 wastewater treatment systems. The corresponding leaching fields for lots #26, 25, 11 and 12 are not shown on the NPC-1 site plan. According to the comments received from MassDEP, the proponent will need to identify the method of wastewater disposal proposed for these remaining four houses. I anticipate that MassDEP's permitting process will include a rigorous review of the proponent's proposed wastewater management system. The DEIR should include a detailed description of the proponent's proposed wastewater management system for this proposed Phase I development project and for the full-build out of the Christina Estates residential subdivision project. The DEIR to be submitted for the Christine Estates project will need to demonstrate that the Town of North Attleborough's sewer conveyance system has the capacity to accommodate the additional wastewater flows from the future full-build out of the project, and that these additional flows can be accommodated within the total volume of wastewater flow allowed to the Town of North Attleborough under the existing inter-municipal agreement (IMA) with the City of Attleboro for treatment of the North Attleborough's wastewater flows at the Attleboro's WWTF.

### Water

As described in the NPC submittal, the Town of North Attleborough's potable water supply system has sufficient design capacity to accommodate the Phase I project's additional potable water supply needs (7,200gpd), and the proponent has secured permission from the Town of North Attleborough to direct the project's wastewater flows to North Attleborough's sewer system.

### Water Conservation

The proponent will need to demonstrate to MassDEP that the final project design meets the Commonwealth's water conservation standards. I strongly encourage the proponent to incorporate water conservation and water use efficiency in the project design to comply with the March 1989 state plumbing code. Specifically, the proponent should commit to employing efficient residential water conservation technologies for the project including water saving devices, low flow toilets, and low flow appliances (dishwashers, washing machines). The proponent should also consider implementing an Irrigation Management Plan (IMP) to further reduce the project's irrigation water demand. An IMP could involve the use of amended soils and compost, the planting of native and drought-tolerant species of trees, shrubs, and turf grasses, an automated water efficient irrigation system, and a water management protocol for drought conditions. I ask that the proponent consult with DEP, and refer to the Massachusetts Water Resources Commission's *Lawn and Landscape Water Conservation, An Addendum to the Water Conservation Standards for the Commonwealth of Massachusetts, October 2002*, during the final design of the proponent's IMP.

### Wetlands

According to the proponent, the proposed Phase I construction activities will involve 1 crossing of Bordering Vegetated Wetlands resource area (BVW) for construction of the Phase I project's site drive, and will result in the alteration of approximately 4,450 sf of BVW and approximately 7.0 acres of the 100-foot wetland buffer zone for site grading and roadway construction, and the construction of buildings and stormwater management infrastructure. As currently proposed, the Phase I project will require a 401 Water Quality Certification from MassDEP.

The proponent has provided additional information to the MEPA Office describing the proponent's commitment to construct a 9715 sq. ft. wetlands replication area (2:1) to be located in the northeast corner of the project site. MassDEP has requested that the project proponent submit to MassDEP the specific details outlined in Appendix 3 Replication Checklist found in the Massachusetts Inland Wetland Replication Guidelines prior to the issuance of a Phase I Waiver. As a condition of my approval of the Phase I Waiver Request, I will require the proponent to submit to MassDEP a detailed wetlands replication plan prior to the commencement of any Phase I construction activities. The proponent's wetland replication plan should include: replication location(s) delineated on plans, elevations, typical cross sections, test pits or soil boring logs, groundwater elevations, the hydrology of areas to be altered and replicated, list of wetlands plant species of areas to be altered and the proposed wetland replication species, planned construction sequence, and a discussion of the required performance standards and monitoring.

The DEIR should include a copy of the proponent's wetlands replication plan for the full build-out of the Christina Estates project. The DEIR should continue to examine alternatives that avoid impacts to wetland resource areas, their associated buffer zones, riverfront protection areas and 100-year flood plain areas.

### Rare Species

In their comments on the NPC submittal, the Natural Heritage and Endangered Species Program (NHESP) has indicated that the project site is located within Priority Habitat for the Tiny-flowered Buttercup (*Ranunculus micranthus*). In consultation with NHESP, the proponent has committed to permanently protect this Priority Habitat area by placing a conservation restriction (CR) on approximately 9.74-acres of the project site containing rare plant species habitat during and after project construction. The proponent has committed to install appropriate monumentation and signage depicting the extent of the proponent's proposed CR area prior to the commencement of the Phase I construction activities. NHESP has indicated that the proponent's Phase I project, as currently designed, may avoid a take of the Tiny-flowered Buttercup.

NHESP has recommended that the proponent implement a number of conditions to avoid impacts to priority habitat during the construction of Phase I including the installation and maintenance of permanent markers and visual barriers along the boundaries of proposed open space areas and, the implementation of a CR or Deed Restriction for those portions of the Phase I project area containing Priority Habitat area prior to the commencement of the Phase I construction activities. I adopt these comments as my own and will condition my approval of the proponent's Phase I Waiver Request accordingly. The DEIR should include an update of the proponent's consultations with NHESP and the development of a CR for the project site.

### Stormwater

According to the information provided in the NPC, the stormwater management plan for the proposed Phase I project has been designed to meet DEP's Stormwater Management Policy guidelines, and will incorporate the use of hooded will include the use of deep sump stormwater catch basins equipped with Vortech units for TSS removal, to collect, treat and provide total recharge of stormwater generated from the proposed Phase I portion of Christina Estates project, connected via a subsurface collection system to 2 detention basins located throughout the project site.

I encourage the proponent to evaluate sustainable design alternatives such as Low Impact Development (LID) techniques in site design and stormwater management plans for the Phase I development plan and the full-build out of the Christina Estates project. LID techniques incorporate stormwater best management practices (BMPs) and can reduce impacts to land and water resources by conserving natural systems and hydrologic functions.

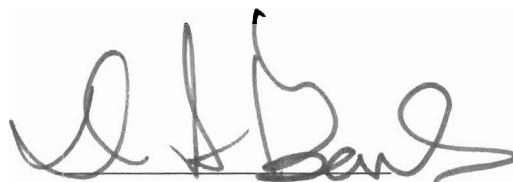
The primary tools of LID are landscaping features and naturally vegetated areas, which encourage detention, infiltration and filtration of stormwater on-site. Other tools include water conservation and use of pervious surfaces. Clustering of buildings is an example of how LID can preserve open space and minimize land disturbance. LID can also protect natural resources by incorporating wetlands, stream buffers and mature forests as project design features. For more information on LID, visit <http://www.mass.gov/envir/lid> and <http://www.epa.gov/owow/nps/lid/>. Historic and Archaeological Resources

The proponent has completed an archaeological assessment of the project site and identified a number of areas that are archeologically sensitive and are likely to contain potentially significant archaeological sites. According to the comments received from MHC, the project area contains two ancient Native American archaeological sites, Cushman I and II, that may meet the Criteria of Eligibility for listing in the National Register of Historic Places pursuant to 36 CFR Part 60. According to MHC, the proposed Phase I construction activities will not affect these two significant Native American archaeological sites. The proponent should continue to consult with the MHC during final project design and design of the proponent’s archeological site protection plan, to identify additional opportunities to avoid, minimize or mitigate potential adverse impacts from the Christina Estates project on significant archaeological resources located within the project area. The DEIR should include an update of the proponent’s consultations with MHC.

Construction Period

The proponent should employ measure to minimize to the maximum extent practicable, construction period impacts, including: impacts from earth moving/blasting, impacts to vegetation, potential impacts from erosion and sedimentation, traffic impacts on adjacent roadways, and impacts to adjacent land uses. The proponent should consult with the Town of North Attleborough, and MassDEP to ensure that the proponent will meet any performance standards associated with a federal NPDES permit for all proposed project construction activities.

January 22, 2007  
DATE

  
Ian A. Bowles, Secretary

Comments received: (continued on next page)

- 01/11/07      Massachusetts Historical Commission (MHC)
- 01/12/07      Massachusetts Department of Environmental Protection (MassDEP) – SERO

Comments received:

01/16/07      Natural Heritage and Endangered Species Program (NHESP)

NPC/Phase I Waiver #13709 – Christina Estates  
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