



The Commonwealth of Massachusetts

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February 24, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Franklin Heights Estates
PROJECT MUNICIPALITY : Franklin
PROJECT WATERSHED : Charles River
EOEA NUMBER : 13713
PROJECT PROPONENT : Lincoln Development Realty Trust
DATE NOTICED IN MONITOR : January 25, 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 hereby determine that this project **does not require** the preparation of an Environmental Impact Report.

As described in the Environmental Notification Form (ENF), the project involves development of 127 units of which 109 units will be townhouse condominium units and 18 garden-style flat units on a 36.61-acre site. The land is comprised of undeveloped woods with associated wetlands and seasonal streams. All utilities will be placed under the street way. The proposed sewer will connect to the existing Town system in Lincoln Street by gravity flow.

The project is undergoing review pursuant to Sections 11.03 (1)(b)2. because the project results in the creation of more than five acres of new impervious surfaces and requires state permits. The project does not exceed any threshold that would require a mandatory EIR. The project will require a Sewer Connection/ Extension Permit and a 401 Water Quality Certificate from the Department of Environmental Protection (DEP). The project also required an Order of Conditions from the Franklin Conservation Commission (and hence a Superseding Order from DEP if the local Order were appealed) and Comprehensive Permit from the Franklin Zoning Board of Appeal pursuant to M.G.L. Chapter 40B (and hence an approval from the

Massachusetts Housing Appeals Committee in the event of an appeal of the local Comprehensive Permit). Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that are within the subject matter of required permits and that have the potential to cause significant Damage to the Environment. In this case, MEPA jurisdiction exists over wetlands/drainage and wastewater. However, if the Comprehensive Permit is appealed, the proponent would need to seek approval from the Massachusetts Housing Appeals Committee. In this situation, MEPA jurisdiction would extend to all aspects of the project that may cause significant Damage to the Environment.

The project has the potential to cause impacts on wetlands/drainage and both water and wastewater. The review of the ENF has not resolved all issues related to environmental impacts. In particular, I am concerned with the potential impacts on wetlands. The comment received from the Charles River Watershed Association (CRWA) has raised several environmental issues remaining with the project related to water and wastewater, stormwater management, and wetland issues. I advise the proponent to consult and work with the CRWA on the issues they raised in their comment letter.

Despite these concerns, I have decided that the potential impacts of the project do not warrant the preparation of an EIR. The project will require extensive permitting at the state level. I note that the project will require an alternatives analysis related to the Water Quality Certification. The project must also comply with applicable performance standards related to wastewater. I am therefore confident that the remaining issues can be resolved during the permitting process.

If the project design undergoes a material change as a result of requirements imposed by the state permitting agencies (or for any other reason), the proponent should file a timely Notice of Project Change that addresses impacts and mitigation.

February 24 2006

Date


Stephen R. Pritchard

Comments received:

02/14/06 Department of Environmental Protection, SERO
02/16/06 Charles River Watershed Association

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