



# *The Commonwealth of Massachusetts*

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April 21, 2006

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

PROJECT NAME : Scituate Fire Station  
PROJECT MUNICIPALITY : Scituate  
PROJECT WATERSHED : South Coastal  
EOEA NUMBER : 13759  
PROJECT PROPONENT : Town of Scituate  
DATE NOTICED IN MONITOR : March 22, 2006

Pursuant to the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 C.M.R. 11.00), I hereby determine that this project **requires** the preparation of an Environmental Impact Report (EIR).

According to the Environmental Notification Form (ENF), the project consists of the conversion of land held for natural resources purposes in accordance with Article 97 for the construction of a fire station in Scituate. The project includes construction of a 5,573 square foot (sf) fire station with associated access roadways, parking and infrastructure. An associated septic system leaching field will be located on a separate lot also owned by the Town and located approximately 300 feet east of this parcel. The 3.19-acre project site is part of the Scituate Town Forest and consists of a White Pine forest and wooded wetlands. The site is abutted by Route 3A to the east, Mann Lot Road to the south and the Town Forest to the northwest.

The project will alter 1.55 acres of land, create more than ½ acre of impervious area and alter 1,098 sf of bordering vegetated wetlands (BVW). Efforts to avoid, minimize and mitigate impacts include a proposed wetlands replication plan (2,169 sf) and construction of a stormwater management system.

The proposed project is emblematic of the broader policy considerations involved in building municipal projects throughout the Commonwealth. As described in previous certificates on the subject (see in particular EOEAs #11920, #11930, #11947 and #13052), the increasing pressure to convert Article 97 lands to schools and other uses poses a significant threat to the conservation legacy that the Commonwealth has been building over the past several decades in partnership with local governments. Whenever possible, we should encourage reuse of buildings, which are often key physical and symbolic landmarks of our communities. If reuse is truly infeasible, we should favor the construction of new facilities on previously developed sites near existing infrastructure.

I believe it is essential to review rigorously every proposed conversion of public parkland to other uses, lest decades of effort to enhance the Commonwealth's endowment of public open spaces be eroded. The project, as currently proposed, would remove a 3.19 acre parcel of the Scituate Town Forest at its primary entrance. Before such an impact on public open space can be considered, it is imperative that the proponent demonstrate that no other alternative with less environmental impact is feasible, and that any impacts found unavoidable receive maximum feasible mitigation. I am thus requiring the preparation of a narrowly scoped discretionary EIR to assess the consistency of this project with EOEAs policy on Article 97 lands.

The project is undergoing review pursuant to section 11.03 (1)(b)(3) of the MEPA regulations, because the project would result in the conversion of land held for natural resources purposes in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth to a purpose not in accordance with Article 97. Because the project involves a transfer of Article 97 land, MEPA jurisdiction over the project extends to all aspects of the project that may cause Significant Damage to the Environment as outlined in the MEPA statute.

The project requires an Access Permit from the Massachusetts Highway Department (MHD) and an Order of Conditions from the Scituate Conservation Commission (and, hence, a Superseding Order of Conditions from the Department of Environmental Protection (DEP) if the local order is appealed).

### SCOPE

The EIR should conform to the general guidance for outline and content contained in section 11.07 of the MEPA regulations, as modified by this Scope. The EIR should address the issues raised in the comment letters received and listed at the end of this Certificate. The EIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should be sent to any state agencies from which the proponent will seek permits or approvals, to the list of "comments received" below and to Scituate officials. A copy of the EIR should be made available for public review at the Scituate Public Library.

#### Project Description

The EIR should include a full project description. It should include an existing conditions plan (including the location of parking available for park users) and a proposed site plan that clearly identifies each proposed project element.

Project Permitting and Consistency

The EIR should include a brief discussion of each state permit or agency action required for the proposed project. The EIR should discuss how the project will meet the requirements and performance standards of each state permit. The EIR should also discuss the consistency of the project with EOEA Article 97 Policies (see below), and should discuss the consistency of the project with Executive Order 385 (Planning for Growth). The EIR should discuss the consistency of the project with any applicable local or regional open space plans.

Alternatives Analysis/Compliance with Article 97 Land Disposition Policy

The ENF included an analysis of alternative fire station locations in Scituate; however, the requirement that the station be located on Town-owned land necessarily limited the identification of alternative sites. The EIR must include a broader alternatives analysis. It should include the no-build alternative to establish baseline conditions, the proponent's preferred alternative and additional alternatives sites for the fire station that avoid the use of protected open space, as required under EOEA's Article 97 Land Disposition Policy. For each alternative site considered, the EIR should consider alternative on-site layouts that minimize impacts to protected open space and parkland and minimize the creation of impervious surface.

Article 97 of the Massachusetts Constitution addresses the high value placed upon the preservation of existing protected open space lands. To further the Commonwealth's open space goals, EOEA's Article 97 Land Disposition Policy requires that a proponent demonstrate that all feasible options to avoid the disposition have been examined. Alternative sites may include tax title land, land that the Town could purchase and land that the Town could acquire with a permanent use easement in order to avoid using public open space. The EIR should identify what other alternatives the Town considered and should provide a detailed explanation as to why these other alternative sites were found to be infeasible. Alternatives should include (but not be limited to) continued use and/or expansion of the existing Station 3; use of the Alternative B Site referenced in the Fire Department Report contained in the ENF; and use of the site proposed for the septic system.

Because this open space is part of a larger resource area that is not easily replicated, I strongly encourage the Town to seriously consider alternatives that minimize or avoid any alteration to the Town Forest. If alternative sites prove infeasible, the EIR should include the Town's proposed Article 97 mitigation package consistent with the EOEA Policy identifying compensatory open space land and/or parkland in Scituate (at a 1:1 basis, at a minimum, of replacement land to converted land) that could be permanently protected. The EIR should provide a detailed description of the land area(s) proposed as Article 97 compensation and should also discuss the value of the land in terms of the resources they provide and the opportunities for active and/or passive recreation they afford. Compensatory mitigation for previous projects has been at a higher than 1:1 basis (and as high as 7:1). In addition, the EIR should describe how the project will impact forest land and wetlands and how it is designed to avoid, minimize and mitigate these impacts.

Draft Section 61 Finding/ Mitigation

The EIR should include a summary of all mitigation to which the Town has committed. The mitigation summary should form the basis of the Draft Section 61 Finding that the Town should present in the Final EIR.

April 21, 2006

Date

  
Stephen R. Pritchard

Comments received:

4/11/06	Department of Environmental Protection Southeast Regional Office (DEP SERO)
4/12/06	Executive Office of Transportation (EOT)
4/5/06	Town of Scituate Board of Selectmen
4/5/06	Vin Bucca
4/5/06	Norman Paley

SRP/CDB/cdb