



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street, Suite 900

Boston, MA 02114-2524

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

STEPHEN R. PRITCHARD
SECRETARY

Tel. (617) 626-1000
Fax. (617) 626-1181
<http://www.mass.gov/envir>

May 26, 2006

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

PROJECT NAME	:Saw Mill Pond
PROJECT MUNICIPALITY	:Easton
PROJECT WATERSHED	:Taunton
EOEA NUMBER	:13659R
PROJECT PROPONENT	:Saw Mill Pond Realty Trust
DATE NOTICED IN MONITOR	:April 26, 2006

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.03 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

This was project was originally proposed in an Environmental Notification Form (ENF) submitted to the MEPA Office in November 2005 as a multi-story 174-unit apartment complex (4 buildings) on a 50.6 acre development parcel located off Foundry Street in Easton, MA. As described in the resubmitted ENF, the currently proposed project involves the construction of a 44-unit residential condominium development, an on-site Title 5 wastewater treatment system, 88 surface parking spaces (44 resident spaces, 44 visitor spaces), 2,100 linear feet of internal roadway, and 3 stormwater detention basins on a 50.6-acre parcel of property located off Foundry Street within the Furnace Village Historic District in Easton. Approximately 25 percent of the apartment units (11 units total) will be affordable and available for purchase by persons who meet the HUD Affordability Requirement. The project's estimated potable water supply demand (9,900 gpd) will be served by the Town of Easton's municipal water supply system. The proponent has proposed to construct a private on-site wastewater treatment system in accordance with Massachusetts Title 5 regulations, to serve the project's wastewater flows (9,900 gpd). The main site drive will be located on Foundry Street. An emergency site access gravel drive extending north from the eastern portion of the project site to Foundry Street.

The project is undergoing review pursuant to Sections 11.03 (1)(b)(2) of the MEPA regulations, because the project will result in the creation of five or more acres of impervious surface area (approximately 6.0 acres total). The project will require a Highway Access Permit from the Massachusetts Highway Department (MHD). The project will also require Orders of Conditions from the Easton Conservation Commission (and hence Superseding Order(s) from DEP if any local Orders were appealed). 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. If blasting will be required during project construction, the proponent will need to prepare a blast design plan pursuant to the Board of Fire Protection Regulations (577 CMR 13.09) for the proposed construction of roads, houses and utilities within the project site. Blasting mixtures that include perchlorate have been identified as a source of contamination in many Massachusetts public water supplies and thus should be prohibited from use in the project watershed.

The proponent is not seeking financial assistance from the Commonwealth for the project. MEPA jurisdiction therefore extends to those aspects of the project that are within the subject matter of required or potentially required state permits and that have the potential to produce significant Damage to the Environment. In this case, MEPA jurisdiction extends to issues of land alteration, water quality, water supply and wastewater.

Future Development:

Although not mentioned in the ENF, a 2.0 acre parcel, abutting the southeastern corner of the project site with frontage on South Street, is owned and controlled by the project proponent. According to the proponent, under the Town of Easton's existing conventional zoning regulations, this parcel could accommodate additional residential development. Under the anti-segmentation provisions of the MEPA Regulations (Section 11.01(2)c), should the proponent pursue the future development of the 2.0-acre development parcel, a Notice of Project Change (NPC) will need to be filed to discuss the potential cumulative infrastructure impacts and site planning issues arising out of the overall build-out of the future development parcel and the proposed Saw Mill Pond project.

Wetlands:

The project site contains an extensive system of wetlands resource areas and perennial streams (Mulberry Brook, Beaver Brook) located throughout and adjacent to the project site. Although the project will not result in the alteration of bordering vegetated wetlands (BVW) resource areas, the construction activities will involve the alteration of approximately 61,000 sf of the 100-foot wetland buffer zone, for grading and construction of internal roadways, condominium units (9 units), surface parking spaces (14 spaces), and stormwater management infrastructure.

As illustrated in the Saw Mill Pond project site plan, the proposed construction activities will also result in the alteration of approximately 28,000 sf of the 200-foot Rivers Act buffer to accommodate the construction of portions of the project's stormwater management system. I strongly encourage the proponent to examine methods of avoiding or further minimizing encroachment into buffer zones including, but not limited to, reducing the total number of proposed residential units. The proponent should evaluate the use of deed restrictions as a method of avoiding future wetland impacts from homeowner activities, and as a method of minimizing water quality impacts associated with residential lawn care.

As noted in the ENF, and the proponent's statements made during the MEPA Site Visit held for this project, approximately 28 acres of the project site (55%) will be left as Open Space. I ask the proponent to consider placing a Conservation Restriction (CR) on those portions of the project site that the proponent has proposed to maintain as Open Space to ensure for their permanent protection. The proponent should also consider placing deed restrictions on any residential properties that will be located within 600 feet of any vernal pools, or within the 100-foot wetlands buffer zone as a method for avoiding future impacts from homeowner activities.

Water:

The project's water supply needs (approximately 9,900 gallons per day (gpd)) will be served by the Town of Easton's municipal water supply system. The proponent has proposed to extend the municipal water main approximately .35 miles within the the project site. According to DEP, the proposed municipal water main extension will require a DEP Permit (BRP WS32). I anticipate that DEP's permitting process will require the proponent to demonstrate that the Town of Easton has sufficient capacity to meet the project's potable water supply needs.

Water Conservation

I strongly encourage the proponent to incorporate in the project design measures to enhance water conservation and water use efficiency. Specifically, the proponent should consider 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.

Wastewater:

The proponent is proposing to construct a 9,900 gpd on-site wastewater treatment system to service the project's wastewater flows in accordance with Massachusetts Title 5 regulations. The proponent should consult with DEP during final project design. I anticipate that DEP's permitting process will include a rigorous review of the proponent's proposed wastewater management system.

Stormwater:

As described in the ENF, the stormwater management plan for the proposed project has been designed as a closed drainage system to meet DEP's Stormwater Management Policy guidelines, and includes the use of deep sump catch batch basins, three detention basins with sediment forebays, periodic road sweeping, and a total of three stormwater detention basins to service the project's stormwater flows for eventual discharge to Bordering Vegetated Wetlands (BVW) abutting the project site's eastern boundary.

I encourage the proponent to evaluate sustainable design alternatives such as Low Impact Development (LID) techniques in site design and stormwater management plans. 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/>. Other LID resources include the national LID manual (Low Impact Development Design Strategies: An Integrated Design Approach), which can be found on the EPA website at: <http://www.epa.gov/owow/nps/lid/>.

Historic/Archaeological Resources:

As described in the ENF, the project is located within the Furnace Village Historic District listed in the State and National Registers of Historic Places. In their comments, the Massachusetts Historic Commission (MHC) has indicated that the project area is also considered archeologically sensitive and likely to contain archaeological sites associated with Native American occupation of the Easton area. The proponent should work closely with the Massachusetts Historical Commission (MHC) to complete an intensive locational archeological survey for the project site and to explore ways to avoid, minimize and mitigate potential impacts to any significant historic or archaeological resources that may be identified within the project site.

Construction Period:

The proponent should analyze construction-period impacts, including temporary impacts to wetlands, and the extent of any blasting and/or re-grading during construction. The proponent should consult with the Town of Easton, and DEP to ensure that the proponent will meet any performance standards associated with a federal NPDES permit for all proposed project construction activities.

Based on the information provided by the proponent and consultation with relevant public agencies, I conclude that no further MEPA review is required. The review of the ENF has served adequately to disclose potential impacts and mitigation, and to demonstrate that project impacts do not warrant the preparation of an Environmental Impact Report. The proponent can resolve any remaining issues in the permitting process.

May 26, 2006
Date


Stephen R. Pritchard, Secretary

Comments received:

05/16/06 Department of Environmental Protection - SERO
05/18/06 Massachusetts Historical Commission (MHC)
05/19/06 Gallagher Engineering
05/23/06 Department of Conservation and Recreation (DCR)

SRP/NCZ/ncz
EOEA #13659R