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June 23, 2006

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

PROJECT NAME : 35 Shawmut Road Office Building/Canton
Comprehensive Water Resources Management Plan
PROJECT MUNICIPALITY : Canton
PROJECT WATERSHED : Boston Harbor
EOEA NUMBER : 12297/12172
PROJECT PROPONENT : JMS Realty Trust, James and Thomas Salah
DATE NOTICED IN MONITOR : April 10, 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 **does not require** the preparation of an Environmental Impact Report (EIR).

Background:

Canton Comprehensive Water Resources Management Plan

The Town of Canton is preparing a Comprehensive Water Resources Management Plan (CWRMP) to determine the most effective disposal methods for existing and future wastewater disposal flows within the town. Approximately 60% of Canton is connected to the existing sewage collection system, which discharges to the Massachusetts Water Resources Authority (MWRA) system. The remainder of the Town uses individually owned on-site Title 5 septic systems. The Town plans to extend sewer service to unsewered areas and to increase potable water supplies through construction of a new well, Well #9, to meet anticipated future demand.

In May 2004, the Town of Canton submitted a Phase I report as required by a Special Review Procedure for MEPA review created in accordance with 301 CMR 11.09. The Phase I document defined the wastewater disposal needs of the community and included a proposed scope for the Phase II report. The Phase I report included a needs analysis that identified high needs areas and neighborhoods where on-site wastewater disposal may not be a realistic long-term option.

The Phase I report also indicated that Infiltration/Inflow (I/I) is a significant wastewater problem. In addition, as a condition for approval of an increase in the interbasin transfer rate, the WRC required that the Town of Canton offset withdrawals from Well #9 that are discharged out of the Neponset River Basin on a 2:1 basis. The Secretary's Certificate (June 14, 2004) on the Phase I Report, required the proponent to submit a Phase I Waiver Request to the MEPA Office for any future proposals for sewerage in the Town prior to the completion of an approved CWRMP/Final EIR under the Waiver provisions at 301 CMR 11.11.

35 Shawmut Road Office Building

In August 2000, the proponent filed an Environmental Notification Form (ENF) (EOEA #12297) for the construction of a three-story, 67,000 square foot (sf) office building on a 4.06-acre development parcel (#35 Shawmut Road) located in the Shawmut Industrial Park between Dedham Street and Route I-95 in Canton. The project included construction of approximately 270 surface parking spaces, and utility and stormwater management infrastructure including one stormwater detention basin. Access to the site will be from Dedham Street via Shawmut Road. The project is served by municipal water and sewer systems. Using the Institute of Traffic Engineers Trip Generation Land Use Codes (LUC) 710 for General Office Building the project was estimated to generate approximately 980 new vehicle trips on an average weekday. The project site is located within the Fowl Meadow and Ponkapoag Bog Area of Critical Environmental Concern (ACEC). The Secretary's Certificate on the ENF (September 2000) noted that the proponent completed the construction of a separate three-story (67,000 sf) office building on a development parcel (#45 Shawmut Road) abutting the eastern boundary of #35 Shawmut Road, prior to the submittal of the ENF for #35 Shawmut Road.

The MEPA review process for the #35 Shawmut Road development project also identified two additional development parcels owned by the proponent and located within the Shawmut Industrial Park. The Secretary's September 2000 Certificate on the ENF did not require the preparation of an Environmental Impact Report (EIR) for the proposed #35 Shawmut Road project, but required the proponent to file a Notice of Project Change (NPC) for the future development of the proponent's two additional development parcels located within the Shawmut Industrial Park.

Project Description:

As described in this Notice of Project Change (NPC), pursuant to Section 11.11 of the MEPA Regulations, the proponent has submitted a NPC/Phase I Waiver Request to construct a three-story, 51,000 square sf office building on a 2.14-acre development parcel (#25 Shawmut Road), abutting the eastern boundary of the proponent's 35 Shawmut Road property, in the Shawmut Industrial Park in Canton, in advance of the the Town of Canton's preparation of CWRMP.

The project includes the construction of approximately 185 new surface parking spaces, and utility and stormwater management infrastructure including one stormwater detention basin. Access to the site will be from Dedham Street via Shawmut Road. The project's potable water supply needs and wastewater flows (approximately 3,450 gpd respectively) will be served by municipal water and sewer systems. Using the Institute of Traffic Engineers Trip Generation Land Use Codes (LUC) 710 for General Office Building the project was estimated to generate approximately 740 new vehicle trips on an average weekday. This project site is also located within the Fowl Meadow and Ponkapoag Bog Area of Critical Environmental Concern (ACEC). According to the information provided in the NPC, the project area is located within the service limits of the Town's existing sewer system. As a result, the project will be served by the Town of Canton's municipal water supply system and municipal sewer collection by the Town of Canton for treatment by the Massachusetts Water Resources Authority's (MWRA) Deer Island Wastewater Treatment Facility (WWTF).

The project is also undergoing review pursuant to Section 11.03 (11)(b) of the MEPA regulations, because the project is located within a designated ACEC. The project will require an Indirect Access Permit from the Massachusetts Highway Department (MHD) for access to I-95 via local roads, a Sewer Extension Permit from the Department of Environmental Protection (DEP), a 401 Water Quality Certification. The project will also require an Order of Conditions from the Canton 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.

Because the proponent is not seeking financial assistance from the Commonwealth for this project, MEPA jurisdiction 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 for significant environmental impacts. In this case, MEPA jurisdiction exists over wastewater and wetlands.

Segmentation/Future Development

Although not described in the ENF, a number of previously developed and potentially developable parcels of property located within and adjacent to the Shawmut Industrial Park, including the project site, appear to be owned and controlled by common ownership interests (JMS Realty Trust, James and Thomas Salah, TCS Realty Trust). Subsequent to the filing of the NPC submittal to the MEPA Office, the project proponent provided the MEPA Office with additional information identifying approximately four residentially-zoned development parcels (approximately 16.0 acres total), and six commercially-zoned development parcels (approximately 8.50 acres total), owned by the project proponent. According to the proponent, four previously developed commercially-zoned parcels (approximately 21.5 acres total) located within the Shawmut Industrial Park are also owned by the proponent.

I note that the MEPA Office recently reviewed an NPC describing a development proposal for the proponent's Village at Cedarcrest project, a 10-lot residential subdivision, located on an 11.36-acre residentially-zoned parcel located off Cedarcrest Road in Canton and abutting the southern boundary of the Shawmut Industrial Park. A Secretary Certificate was issued for the Village at Cedarcrest project on May 10, 2006 and determined that the Village at Cedarcrest project did not require the preparation of an Environmental Impact Report (EIR). In a separate Certificate also issued on May 10, 2006, the proponent was granted a Phase I Waiver to allow the construction of the Village at Cedarcrest project to proceed, pending the Town of Canton's preparation of a Comprehensive Wastewater Management Plan (CWMP)/Environmental Impact Report (EIR).

MEPA imposes a requirement on project proponents and state agencies to understand and fully disclose the potential impacts of a project (including cumulative impacts); to study feasible alternatives to a project; and to avoid, reduce, or mitigate environmental impacts (including cumulative impacts) to the maximum extent feasible. The anti-segmentation provisions of the MEPA Regulations (Section 11.01(2)(c) require the review of the proponent's proposed #25 Shawmut Road project together with the commercially-zoned and residentially-zoned development parcels located within and adjacent to the Shawmut Industrial Park as a "common plan or undertaking." Pursuant to the anti-segmentation provision of the MEPA regulations, I must consider the environmental impacts associated with the full build-out of the proponent's commonly owned commercial and residential development parcels.

I am therefore requiring that the proponent submit a Notice of Project Change (NPC) to the MEPA Office for any future development proposal that may be proposed within or adjacent to the Shawmut Industrial Park. The NPC will need to discuss both the potential cumulative infrastructure impacts including but not limited to traffic, water supply, wastewater and wetlands, and site planning issues arising out of any future development proposal, and the full build-out development of the proponent's residentially-zoned and commercially-zoned development parcels located within and/or adjacent to the Shawmut Business Park. When considering the full build-out of the proponent's commonly-owned development parcels within and adjacent to the Shawmut Industrial Park, it appears likely that it will meet the mandatory EIR threshold related to land alteration, impervious surface area, parking and traffic.

Wetlands:

In their comments, DEP has requested that the proponent revise the proposed stormwater management system for the project to incorporate opportunities to further eliminate impervious surface area within the project site. I adopt DEP's comments as my own and strongly encourage the proponent to evaluate and incorporate sustainable design alternatives such as Low Impact Development (LID) techniques in the final project 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/>.

Water Conservation

The proponent will need to demonstrate to DEP 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. The proponent should also consider implementing a 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.

Traffic:

According to the comments received from MHD, and additional information provided by MHD during a MEPA filing conference held for this project on May 10, 2006, the proposed project may impact the design and construction of MHD's I-95 northbound Dedham Street/Canton Street off ramp project. The off-ramp project is a component of MHD's I-95/I-93/University Avenue and Dedham Street Interchanges Project.

I note that the MHD's off-ramp project may require a taking of a portion of the project site and therefore may result in the proponent's need to reconfigure the proposed #25 Shawmut Office Building project. The proponent should work closely with the MHD's Public/Private Development Office, on transportation issues during the preparation of the final project design. The proponent should notify the MEPA Office of any changes to the proposed project. I have reviewed the Notice of Project Change/Phase I Waiver request and supporting information and I find that the relatively small amount of wastewater flow generated from the proposed project (3,450 gallons per day (gpd)), will not result in a significant increase in wastewater flow to the Westborough Regional Wastewater Treatment Facility.

Based on these facts, I hereby grant the request for a Phase I Waiver for the proposed 3-story Office Building (51,000 sf) located at 25 Shawmut Road within the Shawmut Industrial Park in Canton.

June 23, 2006
DATE


Stephen R. Pritchard, Secretary

Comments received:

04/27/06 Department of Conservation and Recreation (DCR)
05/04/06 Massachusetts Department of Environmental Protection – NERO
05/04/06 Massachusetts Highway Department (MHD)

NPC #12297/12172 – #35 Shawmut Road Office Building, Canton
SRP/NCZ/ncz