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July 11, 2007

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

PROJECT NAME : Brush Hill Estates  
PROJECT MUNICIPALITY : Walpole  
PROJECT WATERSHED : Boston Harbor  
EOEA NUMBER : 13169R  
PROJECT PROPONENT : Ridgewood, LLC  
DATE NOTICED IN MONITOR : **June 11, 2007**

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 (EIR).

The project consists of the construction of a 26-lot residential subdivision and associated access roads on a 34-acre site in Walpole. The project was constructed and wetlands were filled without undergoing MEPA review or obtaining the required 401 Water Quality Certificate from the Massachusetts Department of Environmental Protection (MassDEP). Previous to construction, the site consisted primarily of wetlands and wooded areas. Also, it included one single family home. Twenty-four of the lots have been built upon or are under construction. The project is being served by municipal water and sewer. Construction of the roadways included two wetland crossings and a wetlands fill area. A total of 8,325 square feet of Bordering Vegetated Wetlands (BVW) was altered. Although not identified in the ENF, previous comments from the Town of Walpole, dated January 6, 2003, indicated that the project also altered 230 linear feet (lf) of Bank and 600 sf of Land Under Water.

A previous ENF for this project was filed in December, 2003. At that time, the proponent proposed an additional 2,400 sf of wetlands alteration associated with further subdivision of Lot 12 and construction of a common driveway. The ENF was withdrawn prior to the issuance of a

MEPA Certificate. The current ENF does not propose any wetland alterations beyond the 8,325 sf that has been altered.

The project is undergoing MEPA review pursuant to Section 11.03 (3)(b)(1)(d) and (5)(b)(3)(c) because it requires a state permit and will alter 5,000 or more square feet (sf) of Bordering Vegetated Wetlands (BVW) and includes construction of one or more New sewer mains ½ or more miles in length. The project requires a 401 Water Quality Certificate and a Sewer Connection Permit from MassDEP. The Sewer Extension Permit was issued in 1999. Also, it requires an Order of Conditions from the Walpole Conservation Commission, which was issued on April 16, 1998. The project is not seeking any state funding therefore MEPA jurisdiction is limited to the subject matter of required permits. These include wetlands, water quality and wastewater.

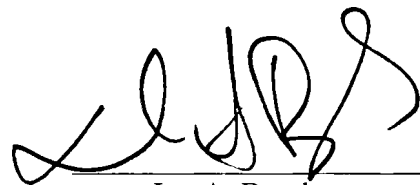
To mitigate the wetland impacts of the project, the proponent was required by the local Conservation Commission to construct retaining walls, construct on-site wetland replication areas and place a conservation restriction (CR) on Lot 12. According to the comments from the Walpole Conservation Commission, the CR has not been recorded. The site includes three replication areas consisting of 9,490 sf.

MassDEP has indicated that it is taking enforcement action on this project for illegal fill and the failure to file the 401 Water Quality Certificate. MassDEP comments note that the sewers were constructed in accordance with the issued sewer connection permit. MassDEP has sufficient enforcement and permitting authority to ensure that the illegal filling of wetlands will be addressed adequately. MassDEP should take under consideration conditions required by the local Order of Conditions as the enforcement action proceeds.

The review of the ENF has served to adequately disclose the impacts associated with this project. Based on the information in the ENF and after consultation with relevant public agencies, I find that outstanding issues can be addressed adequately through the state permitting and enforcement process. No further MEPA review is required.

July 11, 2007

Date



Ian A. Bowles

Comments Received:

7/2/07	Department of Environmental Protection /Southeast Regional Office (MassDEP/SERO)
7/5/07	MassDEP/Northeast Regional Office (NERO) (email)
6/12/07	Town of Walpole/Conservation Commission

IAB/CDB/cdb