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September 21, 2007

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

PROJECT NAME : Plantation Products  
PROJECT MUNICIPALITY : Norton  
PROJECT WATERSHED : Taunton River  
EOEA NUMBER : 14088  
PROJECT PROPONENT : Joseph Raffaele  
DATE NOTICED IN MONITOR : August 22, 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).

This project consists of the construction of a 162,500 square foot (sf) building with associated access roads, parking, landscaping, utilities (including a stormwater management system) and site grading on a 15.7 acre site in Norton. The building will include 146,500 sf for warehouse uses and 16,000 sf of office space.

The undeveloped site is zoned for industrial use. It includes approximately 74,835 sf of Bordering Vegetated Wetlands (BVW). According to the 12<sup>th</sup> Edition of the Natural Heritage and Endangered Species Program's (NHESP) *MA Natural Heritage Atlas*, the site contains actual habitat of the Plymouth Gentian (*Sabatia kennedyana*), a species of Special Concern. In addition, the site includes an unknown historic cemetery that extends beyond the property line to the west. It is bordered by Interstate 495 to the north and east, by South Washington Street to the south and by developed industrial land to the west. The adjacent lot (Lot #6) is also owned by the project proponent and contains a warehouse, office space and associated infrastructure and utilities.

The project is undergoing MEPA review pursuant to Section 11.03 (1)(b)(2) because it may require a state permit and it will create over 5 acres of new, impervious surfaces. The project may require a 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP).<sup>1</sup> The project underwent review by the NHESP prior to MEPA review. Also, the project requires an Order of Conditions from the Norton Conservation Commission.

Potential impacts associated with the project include creation of 6.4 acres of impervious surfaces, alteration of 4,850 sf of Bordering Vegetated Wetlands (BVW),<sup>2</sup> alteration of 6,900 sf of Isolated Land Subject to Flooding (ILSF), generation of 150 average daily vehicle trips (adt), use of 1,875 gallons per day (gpd) of water and generation of 1,875 gpd of wastewater. Measures to avoid, minimize and mitigate these impacts include construction of a stormwater management system consistent with MassDEP Stormwater Management Policy and approximately 9,700 sf of wetlands replication.

I note that a 45,375 sf expansion of the proponent's existing building on Lot #6 was recently completed. This expansion was discussed at the August 30, 2007 site visit and the proponent provided supplemental information to MEPA, dated September 20, 2007, regarding the expansion. The proponent indicated at the site visit that the two buildings will serve similar purposes. The supplemental information indicates that the expansion resulted in the alteration of 2.35 acres of land and created 1.2 acres of new, impervious area. The project did not include any direct wetlands alterations. This expansion was reviewed by the Massachusetts Historical Commission (MHC), NHESP and the Norton Conservation Commission. Because both properties are owned by the project proponent and are adjacent to each other, I have considered the cumulative impacts of the expansion and the proposed project in determining whether additional environmental review, in the form of an EIR, is warranted or required.

The Norton Conservation Commission will review the project for consistency with the Wetlands Protection Act and the Stormwater Management Policy. The Conservation Commission provided comments on the project and I expect that issues related to wetlands impacts will be addressed by the Commission during its review. MassDEP comments identify several issues that should be addressed during the local wetlands review including the need for additional information to demonstrate consistency of the stormwater management plan with the MassDEP Stormwater Management Policy and the adequacy of the proposed wetland replication plan. I note that the wetland impacts associated with this project could be further avoided and minimized by reducing the size of the proposed building and/or creating a connection between the two sites to facilitate shared parking and/or truck access. If the project does require an individual Water Quality Certification, the proponent will be required to conduct an alternatives analysis as part of the permitting process and I expect that MassDEP will require consideration of alternatives to further minimize BVW impacts while retaining protection for the Plymouth Gentian.

NHESP comments on the ENF indicate that the project, as proposed in the ENF and subject to the conditions noted below, is unlikely to result in a take of the Plymouth Gentian. As

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<sup>1</sup> An individual 401 Water Quality Certificate from MassDEP will be required if total impacts to BVW (including temporary and permanent, direct and indirect and cumulative impacts from the construction and ongoing operation of a project) exceed 5,000 sf. Otherwise, the Order of Conditions can serve as the 401 Water Quality Certification.

<sup>2</sup> The ENF incorrectly identifies the amount of BVW impact as 74,835 sf. This figure is the total amount of BVW located on the site.

noted previously, NHESP reviewed the project prior to MEPA review and issued a letter to the project proponent on May 18, 2007 consistent with their current comments. The conditions include the following:

- 1) an independent environmental inspector is on site during construction activities to oversee environmental compliance. A report shall be filed with the NHESP upon completion of the project documenting erosion or other environmental problems during construction activities and measures taken to correct the problems;
- 2) erosion control devices shall serve as limits of work. No construction activities including staging of equipment, materials, etc. shall occur beyond the erosion control devices;
- 3) erosion control measures shall not include hay or straw bales as they can introduce non-native invasive plant seeds to the site, which could outcompete native state-listed plant species;
- 4) erosion control devices shall be inspected once per week and after storm events (rain in excess of 1 inch) for any signs of failure, and damage shall be repaired immediately. Additional silt fence shall be stored on site for immediate repair of damaged fencing;
- 5) detention basins shall be constructed first and used as sediment basins during construction. Accumulated sediments shall be removed from the basins once site stabilization has occurred and prior to removal of erosion control devices;
- 6) no overflow or outfall from stormwater control areas shall be directed towards wetlands known to contain Plymouth Gentian;
- 7) snow removal shall not include plowing snow into the wetlands known to contain Plymouth Gentian as this can introduce sand, salt, automobile fluids, and other pollutants into the habitat of this state-listed species;
- 8) the submitted Operation and Maintenance Plan shall be fully adhered to and the stormwater control measures shall be maintained in good working order.

Comments from MHC indicate that it has determined the project will have no adverse affect on the ancient burial grounds and no additional review is warranted. Its comments indicate that an historic archaeological site form is being prepared for the cemetery which will be recorded in the Inventory of Historic and Archaeological Assets of the Commonwealth. MHC recommends that the proponent direct the construction contractors to limit the cutting of vegetation along the northwest property line during construction of the sediment/stormwater control basin slopes to protect the graves, the grave markers and the granite boundary posts from displacement.

The review of the ENF has served to adequately disclose the potential 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 state and local review. No further MEPA review is required.

September 21, 2007

Date



Ian A. Bowles

Comments Received:

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| 9/11/07 | Department of Environmental Protection /Southeast Regional Office<br>(MassDEP/NERO)         |
| 9/7/07  | Department of Fish and Game(DFG)/Natural Heritage and Endangered Species<br>Program (NHESP) |
| 8/22/07 | Massachusetts Historical Commission   |
| 9/7/07  | Massachusetts Historical Commission   |
| 9/11/07 | Norton Conservation Commission  |

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