



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Deval L. Patrick
GOVERNOR

Timothy P. Murray
LIEUTENANT
GOVERNOR

Ian A. Bowles
SECRETARY

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

November 7, 2008

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

PROJECT NAME : Fisher Hill Reservoir Park
PROJECT MUNICIPALITY : Brookline
PROJECT WATERSHED : Charles
EOEA NUMBER : 14323
PROJECT PROPONENT : Town of Brookline
DATE NOTICED IN MONITOR : October 8, 2008

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) 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.

As described in the Environmental Notification Form (ENF), the project involves the Town of Brookline's acquisition and development of the former Fisher Hill Reservoir located on Fisher Avenue in Brookline to create a 10-acre public park for passive and active recreational uses and wooded open space protection. The Fisher Hill Reservoir was constructed in the late 1800's as part of a public water storage system. The Fisher Hill Reservoir ceased being used as part of the State's water supply operations in 1953 and was declared surplus property by the State Division of Capital Asset Management (DCAM) in 2001. On February 6, 2008, the state legislature authorized DCAM to transfer the former Fisher Hill Reservoir property to the Town of Brookline and authorized the Town of Brookline to transfer a 12,000 sf portion of the property to the Brookline Water and Sewer Department for an operations storage facility (Chapter 20 of the Acts of 2008). The project includes the construction of approximately 2,640 linear feet (lf) of eight foot-wide impervious walking paths, fencing, lighting, landscaping, a regulation-sized soccer field, a 600 square foot (sf) comfort station with lavatory facilities and approximately twenty

surface parking spaces.

The Town has also initiated discussions with neighboring Newbury College to allow for the Town's use of the College's existing surface parking spaces for additional park parking during the College's off-peak hours. The project includes the renovation of the historic Fisher Hill Reservoir Gate House. The project also includes the Town's proposal to transfer a 12,000 sf portion of the project site, to be located adjacent to the proposed comfort station, to be used as a staging/storage area for the Town's Water and Sewer Department's maintenance operations. The project site is bordered by Newbury College to the north, Hissop Street/Baxter Street and residential properties to the west, residential properties to the south, and Fisher Avenue and residential properties to the east.

I note that the proposed recreational park development project is part of a larger master planning effort by the Town including the Town's development of a five acre parcel of property located on the southeast side of Fisher Street across from the park project site. As currently designed, this five-acre development parcel will include up to forty units of mixed-income residential housing in eleven single and multifamily buildings and will result in the creation of approximately 1.725 acres of new impervious surface area. The residential development project will be served by Town water and sewer. According to the ENF and additional information provided by the Town to the MEPA Office, it is not anticipated that the impacts associated with the proposed recreational park development project and the Town's five-acre residential development parcel (the "full-build" project) will exceed any MEPA review thresholds requiring the mandatory preparation of an Environmental Impact Report (EIR).

The project is undergoing MEPA review pursuant to Section 11.03(1)(b)(3) of the MEPA Regulations because it involves a land transfer and the release of an interest in land held for conservation purposes. The project requires a 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP). The project must comply with the National Pollution Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over one acre from the U.S. Environmental Protection Agency. The project will require review by the Massachusetts Historical Commission (MHC). On February 11, 2003, the Brookline Conservation Commission determined that the project site is not subject to the Wetlands Protection Act. According to the information provided in the ENF, on May 16, 2003, the United States Army Corps of Engineers (ACOE) determined that the project site is not subject to regulatory review under Section 404 of the Clean Water Act. Because the project involves the transfer of State land, and the proponent is seeking financial assistance from the Commonwealth for the project, MEPA has broad-scope jurisdiction extending over all aspects of the project that may cause Damage to the Environment as defined in the MEPA regulations.

As noted elsewhere in this certificate, the project includes the transfer of approximately 12,000 sf of the former reservoir property to the Brookline Water and Sewer Department for an operations storage facility. According to the information contained in the ENF, the proponent has proposed to replace the transferred land with approximately 79,300 sf of land located at 170 Sargent Road in Brookline. According to the Town, the Sargent Road CR land contains significant open space qualities and values. The Town has secured the proposed replacement land by a conservation restriction (CR) from the current property owner.

The Town should consult with MassDEP to ensure that the drainage plans for the recreational park and the full-build project are consistent with the MassDEP Stormwater Management guidelines. The Town should use the MassDEP Stormwater Management Handbook when addressing this issue. In addition, a maintenance program for the respective drainage system will be needed to ensure its effectiveness, and should outline the maintenance operations, sweeping schedule, responsible parties, and back-up systems.


I strongly encourage the Town to work with MassDEP to identify and evaluate sustainable design alternatives and as Low Impact Development (LID) techniques in site design and stormwater management plans including the use of permeable surface parking materials and landscaped bioretention areas, or reducing the size of each proposed parking space and/or reducing the total number of proposed surface parking spaces to reduce the total amount of impervious area and stormwater runoff from the full-build project. 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/>.

In its January 24, 2008 correspondence to DCAM, the Massachusetts Historical Commission (MHC) indicated that the Fisher Hill Reservoir property, including the Gate House building, is listed in the State and National Registers of Historic Places. Fisher Hill Reservoir is considered a significant component of the historic Metropolitan Water Supply System of Boston. I ask that the Town work closely with DCAM and MHC to ensure that the property's transfer out of state ownership and proposed re-use will have "no adverse effect" on historic resources (950 CMR 71.07(3)).

I also ask that the Town continue to work with abutting property owners, local neighborhood associations, and Newbury College to establish specific haul routes to and from the facility and to specify the facility's operating hours to minimize, to the maximum extent possible, disturbances from the facility to the surrounding neighborhoods.

Based on a review of the information provided by the proponent and after consultation with the relevant public agencies, I find that the potential impacts of this project do not warrant the preparation of an EIR. Issues of site selection and land use adjacency are fully within the control of the Town of Brookline agencies, and should be addressed in the local permitting and environmental review process.

November 7, 2008
Date



Ian A. Bowles, Secretary

Comments received: None

ENF #14323
IAB/NCZ/ncz