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

PROJECT NAME : Alexan Concord
 PROJECT MUNICIPALITY : Concord
 PROJECT WATERSHED : Assabet River
 EOE A NUMBER : 14141
 PROJECT PROPONENT : West Concord Development LLC
 DATE NOTICED IN MONITOR : December 10, 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 proposed project consists of a 350-rental unit residential development and associated infrastructure on an approximately 30.4-acre site. The project includes 308 apartments and 42 townhouses, a clubhouse, tennis court and a small playground. The project includes construction of roadways, stormwater infrastructure, water supply mains and an on-site wastewater treatment and disposal facility. The project includes demolition of buildings associated with an existing manufacturing operation on the project site.

The proposed project will result in alteration of approximately 23.4 acres of land, which includes creation of approximately 9.44 acres of new impervious area (for a total of 14 acres of impervious area). The amount of new impervious area includes approximately 0.142 acres associated with off-site road improvements. Approximately 60% of the site will remain as open space. Traffic impacts are estimated at approximately 2,254 vehicle trips per day (1,758 new vehicle trips). The project includes construction of 614 new parking spaces (for a total of 700 spaces). Water and wastewater generation is estimated at 94,640 gallons per day (gpd). The project includes construction of approximately 0.8 miles of new water and sewer mains. The project may involve Riverfront Area alteration associated with installation of the proposed water

supply mains. The project will not result in alteration of other wetlands resource areas and will be located outside of the 100-foot buffer zone of Bordering Vegetated Wetlands (BVW).

The project is undergoing review pursuant to: Section 11.03(1)(b)(2) because it will result in creation of five or more acres of impervious area; Section 11.03(5)(b)(3)(c) because it involves construction of a new sewer mains of one half mile or more in length; Section 11.03(5)(b)(4)(c)(i) because it will result in discharge to groundwater of 10,000 or more gallons per day of wastewater within a Zone II of a public water supply; Section 11.03(5)(b)(4)(c)(ii) because it involves discharge to groundwater of 50,000 or more gpd to any other area; Section 11.03(6)(b)(14) and (15) because it will result in generation of 1,000 or more new average daily vehicle trips and construction of 300 or more new parking spaces. The project requires a Groundwater Discharge Permit from the Massachusetts Department of Environmental Protection (MassDEP). The project may also require a National Pollutant Discharge Elimination System (NPDES) Construction Activities Permit from the U.S. Environmental Protection Agency (EPA).

The project site is located in Concord and abuts three other towns, Acton, Maynard and Sudbury. The site entrance and roadway improvements associated with the project are located in the Town of Acton. The project is being proposed under MGL Chapter 40B, the Comprehensive Permit Law and the proponent will be seeking comprehensive permits from both Acton and Concord. Twenty-five percent of the units will be affordable, and as noted in the comment letter from the Metropolitan Area Planning Council (MAPC), all 350 units will be rental units and will bring the Town of Concord's Subsidized Housing Inventory percentage over the state's 10% goal to 11%.

The proponent is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction applies to those aspects of the project within the subject matter of required state agency permits with the potential to cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to wastewater, land, wetlands and stormwater.

Wastewater

The ENF estimates that the project will generate 94,640 gallons of wastewater daily, an increase of 87,140 gpd above the existing on-site discharge. The proponent is proposing a membrane bioreactor (MBR) system to treat the wastewater and a soil absorption system (SAS) to accept the project's wastewater flows. The proponent has been in consultations with MassDEP to discuss permitting requirements for the wastewater treatment system, which is within the Zone II wellhead protection area of the Second Division public drinking water well for the Town of Concord. As further detailed in the MassDEP comment letter, the proponent will be required to provide additional information and analysis to demonstrate that there will be no adverse impacts associated with the project, and once a permit application is submitted to the MassDEP, there will be a public comment period on the application.

The proponent will be required to provide MassDEP with a mounding analysis in the area of the SAS and demonstrate that there will be no adverse impacts on septic systems or residential properties adjacent to the project. The proponent will also be required to provide additional test

pit data in the area of the SAS as well as information to support the site selection for the SAS. An analysis of the time of travel for the wastewater from the property to the public water supply will also be required as part of the permit application process. As noted in the MassDEP comment letter, treatment requirements for the wastewater will be established to avoid impairment of water quality. Other requirements include the need for system redundancy, water quality monitoring, and approval of ownership, contract, and escrow arrangements.

Stormwater

According to the ENF, the stormwater management system for the project will include deep sump catch basins, vegetated swales, and infiltration basins. The stormwater system should be designed to meet the Massachusetts stormwater management standards (which are included in the wetlands protection regulations as of January 2, 2008). Given its location within a Zone II of a public drinking water supply, the project should meet the critical area standards. As further detailed in the MassDEP comment letter, design of the stormwater management system to provide best management practices (BMPs) that treat one inch of run-off in accordance with Critical Area Standard 6 and recharge of runoff in accordance with stormwater Standard 3, would be considered to fulfill the municipal wellhead protection bylaw restriction requirements. To the maximum extent feasible, the proponent should reduce impervious area and increase vegetated low-impact development (LID) practices such as bioretention cells, rain gardens, filter strips, and water quality swales. The proponent should ensure that effective legally-binding operation and maintenance plans are in place to ensure long-term functionality of the system.

I strongly encourage the proponent to implement pollution prevention and source control measures to minimize the amount of herbicides, pesticides, and deicing agents, as recommended by MassDEP. I refer the proponent to the MassDEP comment letter and guidance on snow disposal and other pollution prevention and source control measures. I also encourage the proponent to consult with the Town of Sudbury to discuss its comments and concerns relating to stormwater and provide the town with the stormwater calculations and irrigation well information requested.

Wetlands

The ENF indicates that the project will not result in any wetlands resource alterations or require an Order of Conditions or other permit related to wetlands. In a response to comments, the proponent indicated that the water supply line may be located within Riverfront Area and if so, would require the filing of a Notice of Intent. I remind the proponent that a material change to the project (for example, additional impacts or new state agency action), may be subject to the requirements of a Notice of Project Change (NPC) pursuant to Section 11.10 of the MEPA regulations.

Transportation

The proponent has committed to providing expanded bicycle and pedestrian access to the site, accommodations for a bus stop, and information on public transit, ride-share and other transportation services to the project residents. The project includes vehicle access and safety

improvements at the intersections of Route 62 with Sudbury Road, High Street, Harrington Avenue, and Commonwealth Avenue, and the intersection of High Street at Parker Avenue.

The project as proposed in the ENF does not require a MassHighway Access (curb-cut) permit or involve state funding. Therefore, I do not have the authority to impose specific requirements relating to transportation. Traffic-related issues associated with this project are under local jurisdiction. However, I acknowledge the comments received and concerns expressed regarding the potential impacts on local roadways, and I encourage the proponent to consider the comments and recommendations from the Towns of Acton and Sudbury, the MAPC and others regarding shuttle service to the commuter rail stations, roadways improvements, site access, and mitigation. I also encourage the proponent to meet with Acton, Maynard, Sudbury and Concord to ensure that each community's interests are represented, and that all legitimate concerns are addressed.

Sustainable Design


I encourage the proponent to also consider EnergyStar Certification and Leadership in Energy and Environmental Design (LEED) Certification for Homes, which can provide additional environmental and economic benefits. I also encourage the proponent to adapt the project design, infrastructure and contractual requirements as necessary to incorporate waste reduction, recycling and recycled products. I refer the proponent to the MassDEP comment letter for additional guidance on developing a successful waste management program and use of recycled materials. I encourage the proponent to integrate recycling at the planning and design stage to enable the project's management and occupants to establish and maintain an effective waste diversion program.

As noted in the comment letter from the Town of Acton, the project site abuts lands along the Assabet River upon which the Town of Acton holds a Conservation Restriction (CR). The proponent has indicated a willingness to consider a CR on portions of the project site and to explore joint opportunities to expand passive recreational opportunities along the river. I encourage the proponent to continue working with the Town of Acton on these issues and to consider its comments and recommendations regarding investigation of potential archaeological resources.

I have determined that the ENF has sufficiently defined the nature and general elements of the project. Based on review of the ENF and comment letters received, and consultations with relevant state agencies, I find that the impacts associated with the project do not warrant further MEPA review. I am satisfied that any remaining issues can be adequately addressed during the state and local permit and review processes.

January 9, 2008

DATE



Ian A. Bowles, Secretary

Comments Received

12/26/07	Ken and Tricia Pastel
12/27/07	Donna Belsitos
12/27/07	Ulrike and Andrew Novick
12/27/07	Jill Hyde
12/28/07	Doug and Laurie Beattie
12/30/07	Bill and Kerry Ray
12/31/07	John C. Darcey
01/02/08	Department of Environmental Protection, Northeast Regional Office
01/03/08	Town of Acton, Board of Selectmen
01/02/08	Town of Sudbury, Office of Selectmen
01/02/08	Cynthia Kennelly
01/02/08	Metropolitan Area Planning Council

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