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January 12, 2007

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

PROJECT NAME: Avalon Sharon  
PROJECT MUNICIPALITY: Sharon  
PROJECT WATERSHED: Boston Harbor  
EOEA NUMBER: 13835  
PROJECT PROPONENT: AvalonBay Communities, Inc.  
DATE NOTICED IN MONITOR: December 6, 2006

Pursuant to the Massachusetts Environmental Policy Act (M. G. L. c. 30, ss. 61-62H) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) submitted on this project and hereby determine that it **does not require** further MEPA review.

### Project Description

The project as previously reviewed in the Environmental Notification Form (ENF) submitted to MEPA in July 2006 proposes the development of a mixed-income residential apartment community on a 28-acre site located along Norwood Street in Sharon. The development will consist of 156 apartment homes comprised of 64 one-bedroom and 92 two-bedroom units. A single family home and a number of agricultural related buildings currently occupy the site which was previously used as an active farm. The proposed development is being co-sponsored by AvalonBay Communities, Inc. and the Town of Sharon through the Local Initiative Program (LIP) pursuant to MGL Ch 40B. The project will be served by municipal water from the Town of Sharon. Wastewater will be directed to the Massachusetts Water Resources Authority (MWRA) sewer system in the Town of Norwood; this proposed arrangement triggers review by the Department of Conservation and Recreation's (DCR) Water Resources Commission (WRC) under the Interbasin Transfer Act (ITA).

The Town of Sharon's water supply sources are located in both the Taunton River basin and the Neponset River subbasin of the Boston Harbor basin. Following extensive geotechnical site investigations and due to the fact that there are considerable wetland areas on the site with shallow ground water levels, the proponent concluded that onsite disposal does not represent the best alternative for wastewater disposal. A report detailing these conclusions has been submitted with the NPC and with the application to the WRC for the Interbasin Transfer Permit.

### Project Change Description

The only change to the project as described in the ENF involves the need for the proponent to secure an Interbasin Transfer Permit from the WRC pursuant to 313 CMR 4.00. In the Certificate on the ENF issued for the project on August 9, 2006 the Secretary of Environmental Affairs determined that the project did not require further MEPA review and allowed the project to proceed to permitting. At the time of the ENF submission, the proponent had not yet filed a Request of Determination of Insignificance (RDI) with the WRC. The Certificate required the proponent to file a NPC with MEPA if the WRC determined that the interbasin transfer is significant. Since the issuance of the Certificate on the ENF, WRC staff determined that the project would not fully comply with the criteria for insignificance and therefore a full Interbasin Transfer Permit is required.

There are no material changes to the project proposed in the NPC. The anticipated water demand and wastewater generation figures have actually decreased since the filing of the ENF, based on the proponent's past experience in residential communities. The ENF stated that the project would require 27,280 gallons per day (gpd) of water and generate 27,280 gpd of wastewater; these figures were based on Title 5 design flows of 110 gpd per bedroom. In the NPC, the proponent estimates that the project will require 16,120 gpd of water and generate 16,120 gpd of wastewater, based on a usage of 65 gpd per bedroom. The interbasin transfer request and MWRA connection will be to allow the transfer of 16,120 gpd.

### Jurisdiction

The project as outlined in the ENF was subject to environmental review pursuant to Section 11.03(5)(b)(3)(c) and Section 11.03(6)(b)(14) of the MEPA regulations because it requires state permits and proposes the construction of more than ½ a mile of new sewer main not located in the existing right of way and because the project is anticipated to generate more than 1,000 new average daily vehicle trips (adt) and require the construction of more than 150 new parking spaces at a single location.

The project requires a National Pollutant Discharge Elimination System (NPDES) Construction General Permit; an Access Permit from the Massachusetts Highway Department (MHD); a Sewer Connection Permit from the Department of Environmental Protection (MassDEP); a Sewer Connection Permit from the MWRA; a review of MWRA legislation by the Massachusetts General Court; a Comprehensive Permit from the Sharon Zoning Board of Appeals; LIP Endorsement from the Sharon Board of Selectmen; an Order of Conditions from the Sharon Conservation Commission; and a Sewer Connection Permit from the Town of Norwood.

The project as proposed in the NPC meets a MEPA review threshold for the preparation of a Mandatory EIR at 301 CMR 11.03(4)(a)(2) for an interbasin transfer of water that has been determined to be significant by the WRC. Whereas it was previously thought that the project would qualify for a Determination of Insignificance from the WRC, the project now requires full review under the ITA. Aside from the Interbasin Transfer Permit, there are no new permits or approvals required for the project.

### Waiver Request

The proposed project change triggers only the “wastewater” EIR threshold and proposes to transfer a relatively small amount of wastewater between basins. This transfer will be evaluated in depth by the WRC during the permitting process, which involves extensive public participation pursuant to 313 CMR 4.00 including publication of the permit application in the Environmental Monitor and separate public hearings in the donor and recipient communities. The proponent has therefore submitted an Expanded NPC with a request for a Waiver from the preparation to prepare the mandatory EIR.

In a separate Decision also issued today, I have proposed to grant a Waiver from the requirement to prepare a Mandatory Environmental Impact Report for the project. This Certificate sets forth the issues that must be addressed by the proponent during permitting and discusses recommendations that were submitted on the project during the MEPA comment period. I note that the proponent responded in detail in the NPC to comments submitted on the project’s ENF. Therefore, this Certificate speaks mostly to those issues raised during the review of the NPC.

### Stormwater/Wetlands

According to the NPC, development at the site will be limited to existing disturbed and previously farmed areas. Grading and vegetation removal will be very limited. Total impervious coverage will be approximately 4 acres which is only approximately 14% of the entire site. Approximately 24 acres of land at the site will be preserved as open space. The project will include an extensive stormwater management system that will comply with MassDEP Stormwater Management Policy guidelines. The system will include on-site recharge of clean roof runoff to ensure that pre-existing levels of recharge to the ground are maintained. The system will feature on-site detention areas, an on-site recharge system, catch basins with deep sumps and oil separating elbows, and an operations and maintenance program.

The project will not result in impacts to jurisdictional wetland resource areas however one of the development’s stormwater basins will be located in the buffer zone, and therefore the project requires an Order of Conditions (OOC) from the Sharon Conservation Commission. The hearing on the proponent’s Notice of Intent closed on January 4, 2007 and it is expected that the Commission will issue the OOC shortly. The proponent should note comments from the Division of Fisheries and Wildlife (DFW) regarding Best Management Practices (BMPs) for erosion and sedimentation control.

Water/Wastewater

The proponent proposes that the development's wastewater be transported to the MWRA via the Norwood municipal sewer system for treatment and discharge to the Massachusetts Coastal basin, triggering the Interbasin Transfer Act (ITA). Based upon the small amount of water to be transferred, it was thought that the proponent could request a Determination of Insignificance under the act, but because of the hydrological conditions at Sharon's well sites, the WRC has determined that the project cannot meet the strict criteria for this determination. The project therefore requires full review under the Act. The proponent submitted a copy of the ITA application with the NPC. According to the WRC, the application closely follows the scope developed by the WRC for this type of transfer and most of the information needed to assess the impacts of the transfer has been provided. In their comments on the NPC, the WRC has provided a list of further information that it requires before the application can be accepted as complete. The proponent should provide this information in a response to a request for additional information to the WRC and copies should be sent to reviewers as noted in the WRC's comments. The transfer will continue to be evaluated by the WRC during the permitting process, which involves extensive public participation.

The project proposes to use 16,120 gpd of water from the Town of Sharon's public water supply system, which includes major wells along Beaver and Billings Brook in Sharon. As part of their ITA application, the proponent has modeled the effect of the proposed transfer of wastewater on the donor basins of Beaver and Billings Brook. Several commentors on the ENF and NPC have expressed concern about low flow conditions in Beaver and Billings Brook. During the ITA permitting process, the proponent should respond to comments from the Massachusetts Riverways Program and the WRC about how the project will meet criterion #5 of the ITA "that reasonable instream flow in the river from which the water is diverted is maintained ..." (MGL c. 21 § 8D(5)).

The proponent states in the NPC that the project's impacts related to the Interbasin Transfer will be mitigated by the project's stormwater recharge system, sewer inflow reduction program, and water conservation measures. Water use at the project will be limited by low-flow toilets and washing machines, installation of on-site irrigation wells, and other water conservation measures. Residents will be encouraged to conserve water through a sub-metering program and education. In addition, AvalonBay will use native, drought-tolerant species in landscaped areas to reduce the need for irrigation. An on-site irrigation well will be installed to reduce the need for municipal water. I encourage the proponent to consider further water conservation measures for the project as suggested in comments on the NPC.

As stated in the Sewer Agreement between AvalonBay and the Town of Norwood, a private forced sewer line will be constructed in Edge Hill Road and Tiott Street to connect the existing sewer main at the Norwood Town line. No additional connection will be made to this proposed main. The project requires a Sewer Connection Permit from the Town of Norwood and a Sewer Extension Permit from MassDEP. The proponent should include all agreements, correspondence and permissions between it and the Town of Norwood with the future submittal to MassDEP. The proponent has committed to funding a sewer inflow reduction program that will remove inflow from the Norwood sewer system at a rate of 4 to 1. Only inflow sources will be removed to meet this obligation per MWRA guidelines. According to the NPC, the inflow

reduction will keep approximately 64,000 gpd in the Boston Harbor Basin. The proponent should also document proposed inflow reduction measures in the MassDEP permit application.

Since the project is located in Sharon, which is not part of the MWRA service area, the project will need approval under MWRA's OP.11, Admission of New Community to MWRA Sewer System and Other Requests for Sewer Service to Locations Outside MWRA Sewer Service Area. This policy sets forth both the approval process and admission criteria that involve a thorough review of environmental and sewer system concerns. The MWRA has stated in their comments on the NPC that the project's flow would not result in any additional adverse conditions to the MWRA system and that it will continue to work with the proponent to see that the requirements of OP.11 are met.

The proponent will provide onsite wastewater storage during peak-flow periods when the MWRA trunk line becomes surcharged causing the sewer lines connecting to the trunk line to back up. A 35,000 gpd holding tank with aeration and a downstream monitor will be constructed onsite to restrict discharges to the Norwood and MWRA system during specified times. The proponent should note comments submitted on the NPC regarding ownership and maintenance of the holding tank.

#### Transportation

The project is anticipated to generate 1,050 new daily vehicle trips on average and will require the construction of 312 new parking spaces. The project site is located adjacent to Interstate 95. The proponent provided a full Traffic Impact and Access Study with the ENF. In their comments on the ENF, the Executive Office of Transportation (EOT) stated that the traffic impacts associated with the project would be minimal. EOT did not submit comments on the NPC.

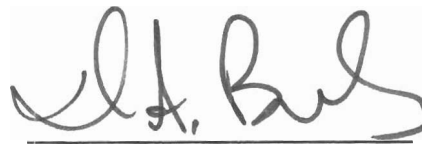
The project does not require any new roadway infrastructure. The proponent has agreed to contribute to a traffic mitigation fund that will be used for the construction cost of a traffic signal currently being constructed at the intersection of Edge Hill Road and Norwood Street and High Plain Avenue and/or sidewalk construction on Edge Hill Road. The proponent has also committed to adopting a Travel Demand Management plan.

#### Conclusion

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 further MEPA review. The proponent should continue to work closely with the WRC to resolve outstanding information requests and should respond to comments raised during the review of this NPC in the ITA permitting process.

January 12, 2007

Date



Ian A. Bowles

## Comments Received:

12/13/2006 Massachusetts Division of Fisheries and Wildlife  
12/19/2006 Massachusetts Division of Marine Fisheries  
12/21/2006 David N. Kelly, Kelly Engineering Group, Inc. for the Proponent  
12/21/2006 Town of Sharon, Board of Selectmen  
12/22/2006 Commonwealth of Massachusetts Riverways Program  
12/22/2006 Commonwealth of Massachusetts Water Resources Commission  
12/26/2006 Massachusetts Water Resources Authority  
12/26/2006 Paul C. Lauenstein  
12/29/2006 Water Supply Citizens Advisory Committee  
1/2/2007 Department of Environmental Protection, Southeast Regional Office  
1/2/2007 David N. Kelly, Kelly Engineering Group, Inc. for the Proponent

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