



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street, Suite 900

Boston, MA 02114-2524

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

STEPHEN R. PRITCHARD
SECRETARY

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

January 20, 2006

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

PROJECT NAME : South Natick Hills
PROJECT MUNICIPALITY : South Natick
PROJECT WATERSHED : Charles River
EOEA NUMBER : 13699
PROJECT PROPONENT : South Natick Hills, LLC
DATE NOTICED IN MONITOR : December 21, 2005

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 **requires** the preparation of a mandatory Environmental Impact Report (EIR).

As described in the Environmental Notification Form (ENF), the proposed project consists of 300-unit residential development on a 52-acre site in Natick. The units will be located in eleven garden-style buildings and a three-unit townhouse. The project will be serviced by municipal water and sewer. The project site consists of undeveloped wooded uplands, wetland areas and fields. It is located within the Charles River basin, which is listed as a medium stressed basin by the Water Resources Commission. It is abutted by South Main Street (Route 26) to the south and Rockland Street to the west. Access will be provided via South Main Street. The Department of Fish and Game's (DFG) Natural Heritage and Endangered Species Program (NHESP) indicates that the project is located within actual habitat of the Spotted Turtle (*Clemmys guttata*), a species of Special Concern.

The project is undergoing MEPA review pursuant to Section 11.03 (1)(a)(2) because it requires a state permit and will create ten or more acres of impervious area. The project requires a Sewer Connection Permit from the Department of Environmental Protection (DEP) and the proponent is seeking constructive approval from the Housing Appeals Committee (HAC)

pursuant to M.G.L. Chapter 40B.¹ Also, it requires an Order of Conditions from the Natick Conservation Commission (and hence a Superseding Order of Conditions in the event the local Order is appealed). Because the project is undergoing review by the HAC, MEPA has broad scope jurisdiction that extends to all significant environmental impacts potentially resulting from the project. These include land alteration, wetlands, drainage, water quality, traffic, wastewater and historic and archaeological resources.

The ENF form for this project indicates that it will create only 9 acres of impervious surface; however, two acres of paved areas were not included because pervious concrete will be used in these areas. While the use of pervious concrete is encouraged as a mitigation measure, its performance and degree of infiltration varies widely depending on the type of material used and the maintenance of that material over time. The degree of permeability cannot be assumed at the outset; therefore, for the purposes of MEPA review and determining whether a project exceeds environmental thresholds, all paved areas were included in the calculation of impervious surfaces.

SCOPE

The EIR should follow the general guidance for outline and content contained in section 11.07 of the MEPA regulations, as modified by this Certificate.

Project Description

The EIR should include a thorough description of the project and all project elements and construction phases. The EIR should include an existing conditions plan illustrating resources and abutting land uses for the entire project area and a proposed conditions plan (or plans) illustrating proposed elevations, structures, access roads, stormwater management systems, and sewage connections. The EIR should also include a site circulation plan illustrating how motor vehicles, pedestrians and cyclists will be accommodated on the site.

Project Permitting and Consistency

The EIR should briefly describe each state permit required for the project and should demonstrate that the project meets applicable performance standards. In accordance with section 11.01 (3)(a) of the MEPA regulations, the EIR should discuss the consistency of the project with any applicable local or regional land use plans. The EIR should also address the requirements of Executive Order 385 (Planning for Growth).

Alternatives Analysis

In addition to the Preferred Alternative and No Build Alternative, the EIR should include a Reduced Build alternative that decreases the amount of impervious surfaces and impacts to

¹ Since filing with MEPA, the HAC has declined to grant constructive approval to the project and is requiring the proponent proceed through the Comprehensive Permit process with the Natick Zoning Board of Appeals.

wetlands.² For each alternative, the EIR should quantify the amount of land altered, the amount of earthwork involved in meeting final grades, the amount of impervious surfaces and the amount of wetland impacts.

I support this proponent's willingness to use sustainable design alternatives as demonstrated by the proposed use of pervious pavement for large areas of the site and recognize that the cluster design will preserve open space and minimize land alteration as compared to a typical subdivision. I encourage the proponent to further consider Low Impact Development (LID) techniques in site design and stormwater management plans. 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. Water conservation measures are appropriate for this site as well. LID can also protect natural resources by incorporating wetlands, stream buffers and mature forests as project design features. For more information on LID, explore <http://www.mass.gov/envir/lid/> and 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/>.

Land Alteration

For each alternative, the DEIR should quantify the amount of land altered, the amount of earth work involved in meeting final grades and the amount of impervious surfaces created. The EIR should investigate all feasible methods of avoiding, reducing or minimizing impacts to land.

Wetlands, Water Quality and Drainage

The project will alter approximately 3,000 sf of bordering vegetated wetlands (BVW) and 48 linear feet (lf) of bank for the construction of access drives and it includes significant work within the buffer zone to wetlands. No work is proposed within the riverfront area associated with Indian Brook. A Notice of Intent has been filed with the Natick Conservation Commission and is under review. The majority of comments received on this project have highlighted concerns with stormwater design and impacts to groundwater supplies from reduced infiltration and interbasin transfer of water (via discharge of wastewater to the MWRA system). Commentors have highlighted the importance of minimizing impervious surfaces to reduce non-point source pollution and to retain as much natural recharge as possible. The proponent has committed to several measures to minimize and mitigate impacts including: use of open bottom culverts to preserve the natural streambed for the wetlands crossings; wetlands replication on a 1.8:1 basis of wetlands altered to replication area; construction and maintenance of a stormwater management system consistent with DEP Stormwater Guidance; and use of pervious pavement to minimize stormwater runoff.

The EIR should include plans that clearly delineate all applicable resource area boundaries including riverfront areas, buffer zones, 100-year flood elevations, water supply

² If subsequent changes to the project reduce its size and result in a reduction of impervious surfaces below 10 acres, the proponent may file a Notice of Project Change (NPC) requesting that the Scope be rescinded.

wells, wellhead protection areas, priority and/or estimated habitat, wetland replication areas, waterways, ponds and agricultural fields. BVW that have been delineated in the field should be surveyed, mapped and located on the plans. The EIR should quantify the project's estimated impact on each resource area, including work within the buffer zone. It should describe the nature of all likely impacts that cannot be avoided, including crossings, grading, overstory clearing and construction-related disturbances and whether they are temporary or permanent in nature.

As indicated in DEP's comments, wetlands replication should be provided at a ratio of replication to alteration of approximately 2:1. A detailed wetlands replication plan should be provided in the EIR which, at a minimum, should include: replication location(s), elevations, typical cross sections, test pits or soil boring logs, groundwater elevations, the hydrology of areas to be altered and replicated, list of wetlands plant species of areas to be altered and the proposed wetland replication species, planned construction sequence and a discussion of the required performance standards and monitoring.

The EIR should include a section on stormwater that demonstrates that source controls, pollution prevention measures, erosion and sediment controls and the drainage system will comply with the DEP Stormwater Management Policy and standards for water quality and quantity both during construction and post-development. The EIR should also demonstrate compliance with the Town of Natick's Nonpoint Pollution Discharge Elimination System (NPDES) Storm Water General Permit. The EIR should include an operations and management plan to ensure the long-term effectiveness of the stormwater management system. The locations of detention basins, distances from wetland resource areas, and the expected quality of the effluent from the basins should be identified. The EIR should also analyze indirect impacts to wetlands and water resources from receipt of drainage and stormwater runoff from the site.

Rare Species

To provide permanent protection to Spotted Turtle habitat, the project will include a conservation restriction (CR) on approximately 15-acres of the site including riverfront area associated with Indian Brook. The proponent consulted with NHESP prior to the ENF filing and the current design reflects changes made in response to NHESP comments. Based on the current design and proposed mitigation included in the ENF, NHESP has indicated that the project is not likely to result in a "take" of rare species nor is it likely to require a Conservation and Management permit. The EIR should provide additional information on rare species mitigation including: a description of the CR and identification of the holder of the CR (i.e. conservation commission or local land trust), illustration of the conservation area on a site plan and description of additional measures to protect turtles during construction and once the project is complete (e.g. oversight, signage and barriers).

Water Use and Wastewater Generation

The project will use approximately 62,700 gpd of water and generate 62,700 gpd of wastewater. Wastewater will be discharged to the Natick sewer system which flows into the MWRA system for treatment and discharge at the Deer Island Wastewater Treatment Facility. The EIR should indicate how the estimates for water use and wastewater were developed, and

provide documentation of adequate capacity within the municipal system. DEP has indicated that the proponent will be required to participate in a flow control program to remove extraneous clean water (infiltration and inflow (I/I)) as project mitigation. At a minimum, the proponent will be required to offset I/I on a 4:1 basis of I/I removal to new wastewater flow generated. The EIR should indicate how the proponent will meet this commitment.

Historic and Archaeological Resources

MHC has indicated that limited portions of the project may be considered archaeologically sensitive and are likely to contain archaeological sites associated with ancient and historical period occupation of the Natick area. As requested by MHC, the proponent should conduct an intensive (locational) archaeological survey for the archaeologically sensitive portions of the proposed project. The proponent should consult with MHC regarding development of the survey and report its findings in the EIR.

Traffic and Transportation

The ENF included a traffic analysis for the project. The traffic analysis demonstrates that the project will not degrade levels of service within the immediate project area and asserts that traffic mitigation is not necessary. Many commentors have expressed concern with traffic impacts on intersections that were not studied including South Main Street/Cottage Street and South Main Street/Route 16. I expect that the proponent will be required to do additional traffic analysis during local review of the project. Updated analyses should be provided in the EIR and the EIR should respond to comments on traffic.

In addition, many commentors highlighted the need for a crosswalk across South Main Street to connect the project to the sidewalks on the western side of South Main Street and ensure safe pedestrian access to nearby destinations such as the High School and athletic fields on West Street.

Construction Period Impacts

The EIR should include a discussion of construction phasing, evaluate potential impacts associated with construction activities and propose feasible measures to avoid or eliminate these impacts. The proponent should implement measures to alleviate dust, noise, and odor nuisance conditions, which may occur during the construction activities.

To mitigate some of the construction period impacts, I strongly encourage the proponent to participate in DEP's Clean Air Construction Initiative (CACI). This program helps proponents identify appropriate mitigation for minimizing air pollution from construction vehicles such as retrofit of construction equipment with particulate filters and oxidation catalysts and/or use of on-road low sulfur diesel (LSD) fuel.

Mitigation

The EIR should include a separate chapter on mitigation measures. It should include a Draft Section 61 Finding for all state permits that includes a clear commitment to mitigation, an

estimate of the individual costs of the proposed mitigation, and the identification of the parties responsible for implementing the mitigation. A schedule for the implementation of mitigation, based on the construction phases of the project, should also be included.

The ENF includes a specific commitment to implement the following mitigation measures:

- placement of a conservation restriction on approximately 15 acres of the site;
- use of open bottom culverts in wetlands crossings;
- construction and maintenance of a stormwater management system consistent with DEP Stormwater Guidance;
- use of pervious pavement for parking areas;
- construction of sidewalks throughout the development; and
- gated access to Rockland Street for emergency vehicles only.

Response to Comments

The EIR should contain a copy of this Certificate and a copy of each comment received. The EIR should respond to the comments received, to the extent that the comments are within MEPA subject matter jurisdiction. The EIR should present additional narrative and/or technical analysis as necessary to respond to the concerns raised.

Circulation

The EIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should be sent to any state agencies from which the proponent will seek permits or approvals, to the list of "comments received" below, and to Natick and Sherborn officials. A copy of the EIR should be made available for review at the Natick and Sherborn Public Library.

January 20, 2006

Date


Stephen R. Pritchard

Comments Received:

1/10/06	Department of Environmental Protection Northeast Regional Office (DEP NERO)
1/5/06	Division of Fisheries and Wildlife/Natural Heritage and Endangered Species Program (NHESP)
1/6/06	Massachusetts Historical Commission
1/10/06	Mass Audubon
1/10/06	Town of Natick/Community Development Department
1/10/06	Town of Natick/Open Space Advisory Committee
1/10/06	Town of Sherborn/Conservation Commission
1/10/06	Sherborn Groundwater Protection Committee

1/9/06	Charles River Watershed Association
1/10/06	Jacqueline Boucher
1/6/06	Joseph M. Fox
1/8/06	Candy Hulton
1/10/06	Bryan King and Steve Rosenberg

SRP/CDB/cdb