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February 6, 2009

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

PROJECT NAME : English Commons
PROJECT MUNICIPALITY : Topsfield
PROJECT WATERSHED : Ipswich River
EOEA NUMBER : 14309R¹
PROJECT PROPONENT : English Commons LLC
DATE NOTICED IN MONITOR : January 7, 2009

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

Project Description

The project consists of the construction of an age-restricted, multi-family residential development on a 68.5-acre parcel in Topsfield, MA. The project will include 50 housing units (within 21 townhouse style buildings), a community clubhouse, access roads, parking, a septic system and other utilities. Access to the site will be provided via existing access along Route 1. The access will be re-designed to improve sight distances and incorporate deceleration and acceleration lanes along Route 1 southbound approaching and departing the project driveway.

¹ The project was filed as EEA #14309 in August 2008 and was subsequently withdrawn from MEPA review.

Project Site

The site is located along the westerly side of Route 1 north of the Topsfield/Danvers border. It includes a single family house, a small horse barn and several other agricultural out-structures. Access is provided to the site via Route 1. Previously, the cleared upland area in the center of the site, which is relatively level, was leased to a local farmer for the cultivation of crops. The site slopes gradually down to wooded wetland resource areas to the northwest, southwest and east of the site. Wetland resources include bordering vegetated wetlands, a vernal pool, a farm pond and adjacent swale. The ENF indicates that the farm pond and adjacent swale are not subject to the Wetlands Protection Act but are subject to local jurisdiction. An area of the project site is within the Zone A of a public water supply, the Putnamville Reservoir. The site is bounded by Route 1 to the east, Rowley Bridge Road and commercial land to the south and Rowley Bridge Road and single family homes to the west.

Permits and Jurisdiction

The ENF indicates that the project is undergoing MEPA review pursuant to 11.03 (1)(b)(2) because it requires a state permit and will create 5 acres of new impervious surfaces. The project requires an Access Permit from the Massachusetts Highway Department (MassHighway). In addition, it requires an Order of Conditions from the Topsfield Conservation Commission (and a Superseding Order of Conditions from the Massachusetts Department of Environmental Protection (MassDEP) in the event the local Order is appealed).

MEPA jurisdiction is limited to those aspects of the project within the subject matter of state permits and that may cause Damage to the Environment, as defined in the MEPA regulations. In this case, MEPA jurisdiction exists over land alteration, wetlands, drainage and transportation.

Potential environmental impacts associated with the project include alteration of 23.7 acres of land, creation of approximately 6 acres of impervious surfaces, temporary alteration of approximately 1,200 square feet (sf) of Bordering Vegetated Wetlands (BVW), generation of approximately 356 average daily vehicle trips (adt), generation of 9,660 gallons per day (gpd) of water use and generation of 8,050 gpd of wastewater. Measures to avoid, minimize and mitigate impacts include the following: avoidance of wetland resource areas through clustering of the development and use of the existing vehicular access; preservation of 50 acres of open space; use of directional boring and trenching for the proposed water line to minimize impacts to wetlands; construction of a stormwater management system consistent with the Wetlands Protection Act Regulations Stormwater Standards; use of native, drought tolerant trees and shrubs to minimize irrigation needs; and incorporation of design elements to support potential transit access to the site if it is provided in the future.

Review of the ENF

As noted above, the ENF indicates that alteration of 1,200 sf of BVW is associated with the extension of a water main from Rowley Bridge Road. The project proposes to construct the line through directional boring and trenching to avoid permanent impacts. In addition, the ENF indicates that the stormwater management system will incorporate several Best Management Practices (BMP) and Low Impact Development (LID) techniques including bio-retention areas, vegetated swales, a wet bottomed detention basin with a forebay and deep sump catch basins. The detention basin will be created by enlarging the farm pond and it will collect stormwater from a series of vegetated swales.

An Order of Conditions was issued by the Topsfield Conservation Commission for construction of the water main. An Order of Conditions is required for construction of the remainder of the project. The Topsfield Conservation Commission will review the project, including the stormwater management system, for consistency with the performance standards under the Wetlands Protection Act. Prior to filing the ENF, the proponent consulted with MassDEP regarding the proposed project and its conclusion that the farm pond and adjacent swale are not BVW and, therefore, not within the jurisdiction of the Wetlands Protection Act. Comments from MassDEP indicate that it requested additional information on the soils and seasonal high groundwater table from the proponent to verify this conclusion. Although MassDEP received supplemental information, its comments indicate that this did not include soil logs from the pond or swale locations. MassDEP comments do not request that an EIR be filed to address this question and, based on consultation with MassDEP and the project proponent, I am confident that this issue can be resolved through project permitting. I encourage the proponent file an Abbreviated Notice of Resource Area Delineation (ANRAD) with the Topsfield Conservation Commission to clarify which wetland resource areas are subject to jurisdiction under the Wetlands Protection Act.

If these resource areas are determined to be within state jurisdiction, the project would alter 9,320 sf of wetlands and should be redesigned to avoid, minimize and mitigate these impacts; otherwise, it is unlikely that the project could be permitted. If the proponent does redesign the project, a Notice of Project Change (NPC) should be filed with the MEPA Office.

Comments from the Department of Agricultural Resources (DAR) indicate that the project will impact approximately 23.5 acres of Prime soils. DAR requests that the proponent consider measures to avoid or mitigate the loss of these soils either through on-site mitigation, such as placing an Agricultural Preservation Restriction (APR) on the site, or through a financial contribution that would be used to support the acquisition of APRs on other agricultural land of comparable value. I encourage the proponent to consult with DAR regarding the impacts of the project and potential mitigation measures.

Conclusion

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 no further MEPA review is required. The project may proceed to permitting.

February 6, 2009

Date



Ian A. Bowles

Comments Received:

1/27/09 Department of Environmental Protection/Northeast Regional Office
(MassDEP/NERO)
1/8/09 Department of Agricultural Resources (DAR)

IAB/CDB/cdb