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February 20, 2009

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

PROJECT NAME : Island Creek Village
PROJECT MUNICIPALITY : Duxbury
PROJECT WATERSHED : South Coastal
EOEA NUMBER : 14366
PROJECT PROPONENT : Island Creek Village North, LLC
DATE NOTICED IN MONITOR : January 21, 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 as described in the Environmental Notification form (ENF) involves construction of residential and commercial buildings on a 22.52-acre project site, which is the site of an existing affordable housing development that was built in 1982. A gravel operation was located at the site prior to 1982. The proposed project consists of construction of an additional 238 residential units (for a total of 344 units), a clubhouse, and two 14,000 square foot commercial buildings. The residential component of the project includes 94 assisted living units, 80 rental units, and 64 condominiums. The project is proposed as a Chapter 40B development.

The project includes removal of existing septic systems and construction of a new wastewater treatment facility and discharge area. Drinking water will be provided through a connection to the Town of Duxbury municipal water supply system. The project will include 423 additional parking spaces for a total of 567 spaces, roadway improvements, and a stormwater management system.

Permits and Jurisdiction

The proposed project is undergoing environmental review pursuant to sections 11.03(1)(b)(2), 11.03(6)(b)(14) and 11.03(6)(b)(15) of the MEPA regulations because it requires a state agency action and because it will result in the creation of five acres or more of new impervious area, will result in generation of 1,000 or more new average daily trips (adt) and involves construction of 300 or more new parking spaces, respectively.

The project requires a Vehicular Access Permit from the MassHighway Department for access to Route 3A and Route 3. The project requires a Groundwater Discharge Permit from the Massachusetts Department of Environmental Protection (MassDEP) and an Order of Conditions from the Duxbury Conservation Commission (and, on appeal only, a Superseding Order from MassDEP). The project may require a National Pollutant Discharge Elimination System (NPDES) Stormwater Permit for Construction Activities from the U.S. Environmental Protection Agency (EPA). The project requires approval from the Duxbury Board of Appeals for a Comprehensive Permit under MGL Chapter 40B. If that permit decision is appealed, the project will require approval by the Department of Housing and Community Development's Housing Appeals Committee.

As noted in the ENF and in the comment letter from the Natural Heritage Endangered Species Program (NHESP), the proponent has agreed to measures to protect Eastern Box Turtles during construction. The proponent submitted a protection plan to NHESP entitled "Island Creek Construction Mitigation Outline 2008". The proponent should adhere to the protocols described in the protection plan to avoid a "take" of the Eastern Box Turtle and the need for a Conservation and Management Permit from NHESP. Should a Conservation and Management Permit be required at a future date, the project may require a Notice of Project change for the project in accordance with 301 CMR 11.10.

The proponent is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction is limited to those aspects of the project that are within the subject matter of any required or potentially required state permits and that may cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction is limited to transportation, wastewater, wetlands, and stormwater.

ENF Review

Transportation

According to the ENF, the project will result in approximately 1,834 new vehicle trips per day, for a total of 2,984 trips per day. In addition to the information provided in the ENF, the proponent also submitted a traffic study to MassHighway and the Executive Office of Transportation and Public Works (EOT), Office of Transportation Planning. I acknowledge the comments submitted on behalf of the Duxbury Board of Appeals concerning the traffic generation estimates provided in the ENF. Those comments suggest that the estimates of new

vehicle trips provided in the ENF may actually total 1,995 adt, for a total of 3,145 trips per day for both new and existing uses of the site. However, I also note that EOT indicates in its comment letter that the transportation impact study submitted by the proponent generally conforms to the EEA/EOT Guidelines for Traffic Impact Assessment and therefore supports of the proponent's estimate. Irrespective of whether the new trips per day associated with the project are correctly estimated at 1,834 or 1,995, the traffic estimated to be generated by the project remains significantly below the mandatory EIR threshold of 3,000 or more "New" trips per day.¹ (See 301 CMR 11.03(6)(a)(6)).

Comments from EOT further indicate that the transportation impact study prepared analyzed existing and future conditions at a number of intersections along the route 3A corridor. To assess the existing conditions, the proponent conducted capacity and signal warrant analyses for the Route 3A/Route 3 Southbound ramp intersection and the Route 3A/Route 3 Northbound ramp intersection. The analysis indicates that the Route 3/Route 3A intersection is currently operating at a failing condition and meets warrants for the installation of a traffic signal. The proponent has indicated that these conditions are pre-existing and the Town of Duxbury has been working with MassHighway to provide improvements at this location. To assess future conditions, the proponent has evaluated impacts of site traffic at the same intersections along the corridor. As mitigation, the proponent proposes the installation of signs and the provision of additional pavement marking at site driveways and other area intersections. The proponent has also committed to modifications to signal timing and phasing plan and repair or replacement of the vehicle detection system at the Route 3A/Route 53 intersection.

As noted in the EOT comment letter, the development program in the traffic study is slightly different from that proposed in the ENF. The proponent must revise the capacity analysis and resubmit the revised traffic study to MassHighway and the EOT Office of Transportation, Public/Private Development Unit (PPDU) as part of project permitting. The proponent should provide MassHighway with the plans, specifications and estimates for the intersection as requested in the EOT comment letter. As part of the revised traffic study, the proponent should evaluate a bypass lane or an exclusive left-turn lane at the project site drive as recommended by EOT.

I have received letters from several commenters expressing concerns about existing conditions along the Route 3A corridor in this area and the impact of the proposed project in exacerbating those conditions. Though I am declining to require an Environmental Impact Report for this project, I nonetheless urge the proponent to work closely with MassHighway, the Town of Duxbury and the Town of Kingston to address local concerns and to ensure that traffic associated with the project is minimized and mitigated to the maximum extent feasible.

The proponent has committed to bicycle and pedestrian accommodations on the site and to accommodate a bus stop and turning area. As part of the MassHighway permitting process the proponent should explore all feasible means to maximize use of available public transportation services and reduce the number of single occupant vehicle trips to the site. In particular, the proponent should coordinate closely with the Greater Attleboro Taunton Regional Transit Authority to discuss proposed design and layouts for bus service, including evaluating the

¹ The term "New" is defined in the MEPA regulations at 301 CMR 11.02 and excludes existing conditions.

feasibility of installing a bus shelter on site. The proponent should investigate additional Transportation Demand Management (TDM) measures as recommended by EOT. The proponent should consult with regional transit providers, the Metropolitan Area Planning Council (MAPC), Old Colony Planning Council (OCPC), MassRides, and the Town of Duxbury regarding transportation and TDM plans, and should report to EOT/PPDU on the outcome of discussions. Given the project's proximity to the Kingston town line, the proponent should consult with the Town of Kingston on traffic-related issues as recommended by the OCPC.

Wastewater

The project's new water demand and wastewater generation are each estimated in the ENF at 40,125 gallons per day (gpd) for a total of 62,478 gpd each, including the existing development. As noted above, the project will require a Groundwater Discharge Permit for the proposed on-site wastewater treatment facility. The proponent should consult with MassDEP to provide additional information as requested in its comment letter and to discuss permitting requirements for the proposed on-site wastewater system.

During the MEPA site visit and public consultation, some participants expressed concern regarding the high groundwater table on site and the proponent indicated additional testing would be conducted to verify soil types and groundwater elevations.

Wetlands and Stormwater

During ENF review, the proponent submitted additional site plans to clarify the extent of proposed land alteration. The information provided indicates that the project will result in approximately 19 acres of land alteration, of which 10.15 acres consists of alteration in currently undeveloped portions of the site. The balance of the land alteration is associated with roadway improvements, removal of septic systems and construction of the proposed 28,000 square feet of commercial buildings (on areas currently landscaped). The project will result in approximately 6.8 acres of new impervious area.

The project will not result in any direct alteration of wetlands resource areas. Activities proposed within the buffer zone include site grading and construction of a portion of new roadway. The proponent should consult with the Duxbury Conservation Commission regarding the proposed stormwater management system design and ensure that the system is designed to meet applicable regulations and performance standards, and to avoid and minimize any adverse impacts to wetland resources in the project area.

Conclusion

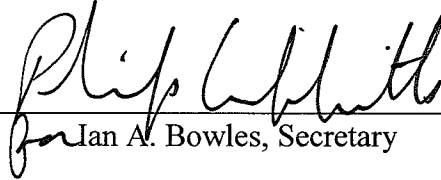
I am satisfied that the ENF has sufficiently defined the nature and general elements of the project, and has proposed measures to avoid, minimize, and mitigate environmental impacts. I have considered the comments received from Professional Services Corporation on behalf of the Duxbury Board of Appeals expressing numerous concerns with the environmental impacts associated with the proposed project. However, I am satisfied that New impacts associated with

the project remain below applicable EIR review thresholds and that any outstanding issues can be addressed through the state permitting process.

Based on review of the ENF and comments received, and in consultation with state agencies, I have determined that no further MEPA review is required. The project may proceed to state permitting.

February 20, 2009

DATE


for Jan A. Bowles, Secretary

Comments Received:

2/05/09	Division of Marine Fisheries
2/06/09	Town of Duxbury Planning Board
2/06/09	Greater Attleboro Taunton Regional Transit Authority (GATRA)
2/09/09	Thomas C. Houston, Professional Services Corporation, PC (on behalf of the Duxbury Board of Appeals)
2/10/09	Highway Safety Advisory Committee
2/10/09	Department of Environmental Protection, Southeast Regional Office
2/10/09	Executive Office of Transportation
2/10/09	Old Colony Planning Council
2/12/09	Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program

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