



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>

February 24, 2006

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

PROJECT NAME : Sabbatia Landing
PROJECT MUNICIPALITY : Taunton
PROJECT WATERSHED : Taunton
EOEA NUMBER : 13718
PROJECT PROPONENT : Sabbatia Landing, LLC
DATE NOTICED IN MONITOR : January 25, 2006

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.

As described in the Environmental Notification Form (ENF), the project involves development of a multi-family residential development of 44 units of attached townhouses. The design includes nine (9) townhouse structures, all with attached garages, nine (9) free-standing accessory garage buildings, a 3,925 square foot clubhouse and associated pool. Connections to municipal water and sanitary sewer services are proposed as part of the project. The proposed project site is located within the Canoe River Aquifer Area of Critical Environmental Concern (ACEC).

The project is undergoing review pursuant to Section 11.03(11)(b) of the MEPA regulations, because the project involves state permitting and is located within an Area of Critical Environmental Concern (ACEC). The project will require a Sewer Connection/Extension Permit from the Department of Environmental Protection (DEP). Because the proponent is not seeking state financial assistance for the project, MEPA jurisdiction extends to those aspects of the project that are within the subject matter of required permits, or potentially required permits, and that have the potential to cause significant Damage to the Environment. In this case, MEPA jurisdiction exists over water/wastewater issues.

According to the ENF, the proposed project will alter 8.17 acres. The project, therefore, will most likely require an NPDES Stormwater Permit for Construction Activities from EPA. In addition, the ENF states that 0.345 miles of water line is required. The proponent should consult with DEP to see if an application for a BRP WS32 Permit, Distribution Modifications for Systems that serve more than 3,300 people, should be filed for this work. The proponent should also consult with DEP's Waterways Division because the proposed design layout for Sabbatia Landing depicts a dock extending into the lake on the eastern side of the property. According to Waterways Regulations (310 CMR 9.32(1)(e) and (2)(d)), proposed privately owned structures for water-dependent uses below mean high water (MHW), subject to Chapter 91 jurisdiction within ACECs, are only eligible for a license if they are consistent with an ACEC Resource Management Plan (RMP) that has been adopted by the municipality and approved by the Secretary of Environmental Affairs. The Canoe River Aquifer ACEC does not have such a state-approved RMP. Therefore, Chapter 91 licensed structures are categorically restricted within the water bodies of the ACEC.

The proposed project site is located within the Canoe River Aquifer ACEC, which comprises approximately 17,200 acres in the municipalities of Easton, Foxborough, Mansfield, Norton, Sharon and Taunton. The area encompasses a diverse suite of wetland resource areas, which provides drinking water for over 66,000 people. In addition, diverse resources, such as extensive wildlife habitats, populated by several rare and endangered species, are supported by the Canoe River Aquifer ACEC. There are also rich archaeological and historic resources within the ACEC that date back 7,000 years and include Native American settlements, national historic districts, and colonial architecture.

I commend the proponent for clustering the development leaving a large portion of land in the northern portion of the site forested and undeveloped. As additional protection, the proponent should consider permanent open space protection for this land through a conservation restriction, which was strongly recommended by the Department of Conservation and Recreation's (DCR) ACEC Program. This measure would provide benefit in the form of permanent open space and natural habitat to the future inhabitants of Sabbatia Landing, the abutting property owners on Goward Road, and the users of Watson Pond State Park, located immediately to the west of the proposed project site. Permanent open space protection would also provide wildlife habitat and some protection of the water quality of Sabbatia Lake.

The Massachusetts Historical Commission (MHC) has determined that the portions of the project are considered to be highly archaeologically sensitive, potentially containing archaeological sites associated with ancient and historical period occupation of the Taunton area. I request that the proponent consult with MHC to avoid, minimize, or mitigate impacts to potential archaeological resources in close proximity to the project site. The proponent should conduct an intensive (locational) archaeological survey (950 CMR 70) on the archaeologically sensitive areas of the site.

I conclude that no further MEPA review is required. The review of the ENF has served adequately to disclose potential impacts and mitigation, and to demonstrate that project impacts do not warrant the preparation of an Environmental Impact Report. The proponent can resolve any remaining issues in the permitting process.

February 24 2006

Date


Stephen R. Pritchard

Comments received:

02/06/06 Massachusetts Historical Commission
02/14/06 Department of Environmental Protection, SERO
02/16/06 Department of Conservation and Recreation's ACEC Program

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