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March 7, 2008

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

PROJECT NAME : Herring Brook Meadow Residential Community
 PROJECT MUNICIPALITY : 126 & 132 Chief Justice Cushing Highway - Scituate
 PROJECT WATERSHED : South Coastal
 EEA NUMBER : 14050R
 PROJECT PROPONENT : Herring Brook Meadow, LLC
 DATE NOTICED IN MONITOR : February 6, 2008

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 determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

According to the Environmental Notification Form (ENF), the proposed project consists of the construction of 60 residential condominium units in three buildings (approximately 29,609 square feet (sf)) with associated access roadways on a 15.34-acre site. Fifteen of the units will be affordable. The project will have its access driveway onto Chief Justice Cushing Highway (Route 3A). The site contains one residential structure. The residential structure will be demolished to make way for the project.

The project is subject to review pursuant to Sections 11.03(3)(b)(1)(e) and 11.03(5)(b)(4)(c)(i) of the MEPA regulations because the project involves the placement of new fill in a regulatory floodway and a new discharge to groundwater of 10,000 or more gallons per day (gpd) of sewage within an area, zone or district established, delineated or identified to protect a public drinking water supply. It will need a Groundwater Discharge Permit and a Superseding Order of Conditions from the Department of Environmental Protection (MassDEP). The project will require a Comprehensive Permit from the Housing Appeals Committee (HAC) under Chapter 40B. It will need to obtain an Access Permit from the Massachusetts Highway Department (MassHighway). The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. On November 16, 2004, an Order of Conditions was issued for the project by the Scituate Conservation Commission for impacts to wetland resource areas. Because the proponent is

seeking a permit from the HAC, MEPA jurisdiction extends to all aspects of the project that may have significant environmental impacts.

Based on the Institute of Traffic Engineers Land Use Code 230, the proposed project is estimated to generate approximately 352 new vehicle trips per weekday. About 120 parking spaces will be constructed.

Each residential unit will be supplied with potable water by the Town of Scituate. The project will consume approximately 15,488 gallons per day (gpd) of water. The proponent will extend the water main from Route 3A to the project site. The project will generate approximately 14,080 gpd of wastewater (based on 128 bedrooms). The proponent is proposing to construct a wastewater treatment facility with a groundwater discharge. It will provide a groundwater monitoring program for effluent quality because the project site is within the Zone II for a public water supply well.

According to the proponent, the proposed project will include the alteration by filling of approximately 47,922 sf of Isolated Land Subject to Flooding that will be reshaped into 48,957 sf on-site. It also includes 70,838 sf of fill in Land Subject to Coastal Storm Flowage.

The quality of stormwater runoff generated by the project will be improved by the implementation of Best Management Practices. Existing site runoff is sheet flow. The project will create approximately 1.73 acres of new impervious area. Runoff from the proposed driveways and parking areas will flow to catch basins equipped with deep sumps and hoods. Stormwater flows to water quality treatment units and vegetated swales. Roof runoff will be infiltrated. The proponent and the condominium association will provide for an annual inspection and maintenance program for the stormwater collection system and an annual sweeping program of the proposed driveways and parking areas.

In its comment letter, MassDEP stated that it will review the existing resource area delineation. If MassDEP determines that the delineation is different than what is shown on the site plans, then the plans will need to be revised to show the corrected delineation which may result in the redesign of the project. The proponent should clarify to MassDEP how the modified boundary of the Isolated Land Subject to Flooding was calculated. MassDEP may also revisit the perimeter slope and the location and placement of fill to address potential flooding and the deflection of flood water onto adjacent property. It may require additional planting and mitigation beyond what was proposed by the proponent. MassDEP will also review the project for compliance with MassDEP's Stormwater Management Policy. It should ask the proponent to evaluate Low Impact Development (LID) options for stormwater. MassDEP should ask the proponent to evaluate if the project design is consistent with the Association of State Floodplain Managers (ASFPM) "No Adverse Impact" approach to land management in the floodplain. The proponent should address nitrogen loading to MassDEP's satisfaction.

The proponent is also proposing to place approximately 6.07 acres of open space (the agricultural field and upland meadow) into a combination of a Conservation Restriction (4.82 acres) and open space gift (1.49 acres) transferred to a non-profit or public entity.

Based on a review of the information provided by the proponent and the comment letters, and after consultation with MassDEP, I find that the potential impacts of this project do not warrant the preparation of an EIR. If this project is permitted by MassDEP, MassDEP has sufficient permitting authority to insure that this project proponent provides the necessary mitigation to alleviate any potential impacts.

March 7, 2008

Date


Ian A. Bowles

Comments received:

Leslie Kilduff, 2/13/08
Therese E. Duane & Marsha A. Klein, 2/17/08
Werner Boehl, 2/18/08
Leslie Kilduff, 2/19/08
Division of marine Fisheries, 2/20/08
Scituate Board of Selectmen, 2/22/08
SITEC, 2/25/08
Michael F. Collins, 2/25/08
Robert and Sandra Kingsland, 2/25/08
Lauri J. Klein, 2/25/08
EOT, 2/25/08
Gloria Hollstein, 2/26/08
Kathleen L. Rezendes, 2/26/08
Kathleen Donahue, 2/26/08
MassDEP/SERO, 2/26/08
MCZM, 2/26/08
Jay Talerman, 2/26/08
Freeman Davis & Stearns, 2/26/08
Blatman, Bobrowski & Mead, 2/27/08
MCZM, 2/29/08
MassDEP/SERO, 2/29/08
MCZM, 3/3/08
SITEC, 3/3/08

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