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March 8, 2007

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

PROJECT NAME : Sylvan Spring Estates  
PROJECT MUNICIPALITY : Mendon and Upton  
PROJECT WATERSHED : Blackstone  
EOEA NUMBER : 13966  
PROJECT PROPONENT : **Sylvan Springs Realty Trust**  
DATE NOTICED IN MONITOR : February 6, 2007

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 (EIR).

The proposed project consists of a 54-lot residential subdivision and associated infrastructure, which includes a roadway (8,265 feet long), stormwater infrastructure, and individual on-site septic systems and water supply wells. The site is currently undeveloped, mainly wooded, and includes wetland and upland areas. Miscoe Brook, an intermittent stream, and two tributaries of the brook, traverse the project site.

The proposed project will result in alteration of approximately 28 acres of land and creation of approximately 9.2 acres of impervious area. The remainder of the 113.5-acre project site will remain undisturbed. The project will result in 5,378 square feet (sf) of bordering vegetated wetlands (BVW) alteration due to three road crossings. Traffic impacts are estimated at 590 vehicle trips per day and the project includes 108 parking spaces. Water and wastewater generation is estimated at 23,760 gallons per day (gpd).

The project is undergoing review pursuant to Section 11.03(1)(b)(2) because it will result in creation of five or more acres of impervious area and Section 11.03(3)(b)(d) because it will result in alteration of 5,000 or more square feet of BVW. The project requires a 401 Water

Quality Certification from the Massachusetts Department of Environmental Protection (MassDEP) and an Order of Conditions from the Mendon and Upton Conservation Commissions (and, upon appeal only, a Superseding Order from MassDEP).

The proponent is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction applies to those aspects of the project within the subject matter of required state permits with the potential to cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to wetlands, water quality, land, stormwater and drainage.

According to the Environmental Notification Form (ENF), the proposed project is a large-lot, low-density type of development consistent with residential zoning in Mendon and agricultural-residential zoning in Upton. The ENF indicates that the proponent considered a variety of alternative roadway layouts, entranceway positions, retaining wall slopes, and right-of-way widths to reduce environmental impacts and meet other local, state and federal requirements. According to the ENF, a 40B affordable housing alternative would result in smaller lots, higher density and more land disturbance and impervious area. The ENF does not quantify impacts associated with a 40B alternative or a reduced-build scenario. I encourage the proponent to consider smaller lot sizes or other measures to minimize impervious area associated with roadways and buildings, and to reduce wetlands impacts and fragmentation of undisturbed wooded habitat.

The ENF included a Flood Impact Analysis and Stormwater Management chapter. According to the ENF, the project will meet or exceed the nine MassDEP stormwater management standards. The proponent has also committed (in a letter dated February 28, 2007) to incorporate Low Impact Development (LID) techniques, such as rain gardens and water-efficient landscaping on each individual lot, to the extent feasible. The project will have an indirect discharge to an Outstanding Resource Water (ORW) and coldwater fishery resource. The ENF indicates that the project will meet the MassDEP Stormwater Management Policy standards, including those for critical areas. The proponent should ensure that the project is designed to avoid and minimize, or mitigate any adverse impacts associated with thermal pollution.

The proponent has committed to a total of 11,556 square feet of wetland replication to compensate for wetland fill (5,378 sf) due to the three proposed crossings. MassDEP has indicated in its comment letter that the proposed use of CONSPAN bridges should markedly reduce and/or eliminate any wetlands filling that would otherwise occur. The proponent responded to additional MassDEP comments in a letter submitted to the MEPA Office on February 28, 2007. In its letter, the proponent indicates that wetland impacts are due to filling associated with the proposed crossings, that retaining walls are necessary to minimize fill, and that retaining walls are being designed to meet public safety requirements of the Mendon zoning bylaw. The proponent expects to file a Water Quality Certification (WQC) application with MassDEP that will include the required alternatives analysis. The WQC application should also clarify any impacts associated with shading. The proponent should submit a detailed phasing and construction sequencing plan and additional soil testing and design data to MassDEP as requested in its comment letter.

Drinking water for the proposed homes will be provided by on-site private wells. In addition, a portion of the site is located within the Zone I of the adjacent Miscosco Springs bottled water company. The proponent should ensure that the project meets MassDEP Stormwater Management policy guidance for water supply protection zones. I encourage the proponent and the Town of Mendon to implement measures to protect water supplies from potential contamination associated with chemical use on lawns. Such measures may include public education and outreach (as noted by the proponent in its letter dated February 28, 2007) as well as restrictions on use of pesticides and other chemical controls.

I encourage the proponent to consider high-performance/green building and other sustainable design measures to avoid and minimize environmental impacts. Sustainable design measures, which can reduce project development and long-term operational costs, may include:

- EnergyStar Certification and Leadership in Energy and Environmental Design (LEED) Certification for Homes;
- water conservation and reuse of wastewater and stormwater;
- ecological landscaping;
- green roofs;
- use of **Low Impact Development (LID)** techniques (the proponent may find the following web sites useful [www.mass.gov/envir/lid](http://www.mass.gov/envir/lid) and [www.lid-stormwater.net](http://www.lid-stormwater.net) , and: <http://www.epa.gov/owow/nps/lid/>).
- optimization of natural day lighting, passive solar gain, and natural cooling;
- use of energy efficient Heating, Ventilation and Air Conditioning (HVAC) and lighting systems, appliances and other equipment, and use of solar preheating of makeup air;
- favoring building supplies and materials that are non-toxic, made from recycled materials, and made with low embodied energy;
- implementation of a solid waste minimization and management plan;
- provision of easily accessible and user-friendly recycling system infrastructure.

The ENF has served to adequately disclose the potential impacts and mitigation associated with the project. Based on review of the ENF, comment letters received and consultation with relevant agencies, I find that impacts associated with the project do not warrant further MEPA review. I am satisfied that any remaining issues can be adequately addressed during the state and local permit and review processes.

March 8, 2007

DATE



Ian A. Bowles, Secretary

Comments Received:

2/05/07 Shirley Smith, Blackstone River Watershed Association  
 2/06/07 Department of Environmental Protection, Central Regional Office  
 2/28/07 Desheng Wang, Carr Research Laboratories (on behalf of proponent)

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