



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>

March 10, 2006

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

PROJECT NAME	:Christina Estates
PROJECT MUNICIPALITY	:North Attleborough
PROJECT WATERSHED	:Blackstone
EOEA NUMBER	:13709
PROJECT PROPONENT	:Cumberland Associates Realty Trust
DATE NOTICED IN MONITOR	:January 11, 2006

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.03 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **requires** the preparation of a Draft and Final Environmental Impact Report (DEIR and FEIR).

As described in the Environmental Notification Form (ENF), the proposed project involves the construction of a 110 unit residential subdivision, including 110 surface parking spaces, approximately 10,000 linear feet of roadway with sidewalks, and associated utilities and stormwater management infrastructure including 4 stormwater detention basins, on a 102 acre site in North Attleborough.

The project is undergoing review and requires a mandatory EIR pursuant to Section 11.03 (1)(a)(1) and (1)(a)(2) of the MEPA regulations, because the project will result in the direct alteration of 50 or more acres of land (67 acres total), and create more than ten acres (19.2 acres) of new impervious surfaces. The project is also undergoing review pursuant to Sections 11.03 (5)(b)(3)(c), and (4)(c) of the MEPA regulations, because the project proposes to construct a new sewer main one half or more miles (1.74 miles total) in length. The project will require a 401 Water Quality Certificate from the Department of Environmental Protection (DEP). The project will also require Orders of Conditions from the North Attleborough Conservation Commission (and hence Superseding Order(s) from DEP if any local Orders were appealed). The project must comply with the National Pollution Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over one acre.

The proponent is not seeking financial assistance from the Commonwealth for the project. MEPA jurisdiction therefore extends to those aspects of the project that are within the subject matter of required or potentially required state permits and that have the potential to produce significant Damage to the Environment. In this case, MEPA jurisdiction extends to issues of land alteration, wetlands/water quality, rare plant species, and wastewater.

SCOPE

General:

As modified by this Certificate, the proponent should prepare the DEIR in accordance with the general guidance for outline and content found in Section 11.07 of the MEPA regulations. The proponent should circulate the DEIR to those parties submitting written comments on the ENF, and to any other party required by regulation. The DEIR should include a copy of this Certificate and a copy of each comment letter received.

Alternatives:

According to the information provided in the ENF, the proponent's preferred alternative incorporates a reduction in the total number of house lots to avoid impacts to rare plant species located throughout the project site. In addition to the proponent's preferred alternative, the DEIR should evaluate at least one alternative site layout that significantly reduces land alteration and impervious surface area, and further reduces impacts to wetlands and wetland buffer areas. The DEIR should discuss whether the proponent will seek any waivers for roadway or sidewalk width, and explain any implications for the alternatives analysis. The DEIR should also investigate alternative site layouts that maximize undisturbed buffers around vernal pools, perennial streams, and other wetlands; and that minimize loss of open space.

I encourage the proponent to evaluate sustainable design alternatives such as Low Impact Development (LID) techniques in site design and stormwater management plans. LID techniques incorporate stormwater best management practices (BMPs) and can reduce impacts to land and water resources by conserving natural systems and hydrologic functions. The primary tools of LID are landscaping features and naturally vegetated areas, which encourage detention, infiltration and filtration of stormwater on-site. Other tools include water conservation and use of pervious surfaces. Clustering of buildings is an example of how LID can preserve open space and minimize land disturbance. LID can also protect natural resources by incorporating wetlands, stream buffers and mature forests as project design features. For more information on LID, visit <http://www.mass.gov/envir/lid/>. Other LID resources include the national LID manual (Low Impact Development Design Strategies: An Integrated Design Approach), which can be found on the EPA website at: <http://www.epa.gov/owow/nps/lid/>.

Permitting:

The DEIR should briefly describe each state permit necessary for the project, and should demonstrate that the project design meets applicable performance standards. The DEIR should contain sufficient information for the state permitting agencies to evaluate the project in light of their Section 61 obligations. The DEIR should include an update on the local permitting process, and should discuss how any local requirements impact project design. To ensure that the MEPA review of the project complies with Executive Order 385 (Planning for Growth) and Section 11.01 (3) of the MEPA regulations, the DEIR should discuss the consistency of the project with all applicable local and regional land use and open space plans.

Land Alteration:

As currently designed, the proposed project will result in significant alterations to land, and significant new impervious areas. The DEIR should quantify the amount of land altered and current use, the amount of earth work involved in meeting final grades. The DEIR should investigate all feasible methods of avoiding, reducing, or minimizing impacts to land. The DEIR should include a map that delineates which areas of the site are proposed to remain as undisturbed open space following the project completion, and it should disaggregate landscaped open space and undisturbed open space. The DEIR should also delineate those portions of each development parcel that the proponent has proposed to place under a Conservation Restriction (CR) to ensure for their permanent protection. The proponent should also consider placing deed restrictions, to include certified vernal pools, if any, and the uplands around them, on any residential properties that will be located within 600 feet of any vernal pools or within the 100-foot wetlands buffer zone as a method for avoiding future impacts from homeowner activities.

Wetlands:

According to the information provided in the ENF, the construction of the Christina Estates project will involve 4 wetlands crossing for the project's access road, and will result in the alteration of approximately 28,500 sf of BVW. The ENF contains a project site plan that shows portions of numerous house lots and the project's stormwater management infrastructure, and internal circulation roadway to be located within the 100-foot wetland buffer zone. According to the proponent the project will result in the alteration of approximately 20 acres of the 100' wetland buffer zone. The DEIR should include a reasonably scaled map that delineates wetland boundaries and buffer zones on the site, and should include the appropriate overlays of each site layout described in the alternatives analysis. The plans should also note any applicable local buffer zone requirements. The DEIR should explain the significance of each wetland area on the site to the interests enumerated in the Wetlands Protection Act.

The proponent should certify that all streams identified on the Christina Estates project site meet the Massachusetts definition for an intermittent or perennial stream, and the DEIR should evaluate potential impacts on these resource areas. The DEIR should quantify the amount of direct wetland alterations proposed including removal of tree and shrub canopy from forested wetlands. The DEIR should discuss whether any proposed over-story clearing is permissible under the Wetlands Protection Act. For each alternative, the DEIR should also analyze indirect impacts to wetlands from receipt of drainage and stormwater runoff from the site.

The DEIR should discuss the consistency of the stormwater management plan with DEP guidelines, and should include at least a conceptual schematic drainage plan. Proposed activities, including construction mitigation, erosion and sedimentation control, phased construction, flood control, and drainage discharges or overland flow into wetland areas, should be also be evaluated.

The DEIR should contain sufficient information to determine whether all proposed wetland alterations are permissible under the Wetlands Protection Act (i.e., whether the project would require a variance). The DEIR should include a detailed discussion on how the project meets the performance standards of the Wetlands Protection Act, including standards related to extent of alteration of wetlands. The proponent is claiming limited project status for the Phase I project's proposed wetland alterations. The DEIR should include any supporting information to evaluate the proponent's limited project claims. The DEIR should examine methods of avoiding or minimizing encroachment into buffer zones including, but not limited to, reducing the total number of proposed residential units. The DEIR should evaluate deed restrictions as a method of avoiding future wetland impacts from homeowner activities, and as a method of minimizing water quality impacts associated with residential lawn care.

The Commonwealth has endorsed a "No Net Loss Policy" that requires that all feasible means to avoid and reduce the extent of wetland alteration be considered and implemented. The DEIR should examine alternatives that avoid impacts to wetland resource areas, their associated buffer zones, riverfront protection areas and 100-year flood plain areas. The DEIR should provide a detailed description of the proponent's proposed wetlands mitigation plan. The DEIR should identify the locations of the proposed wetland replication areas for each residential development. For any amount of required wetlands replication, a detailed wetlands replication plan should be provided in the DEIR which, at a minimum, includes: replication location(s) delineated on plans, elevations, typical cross sections, test pits or soil boring logs, groundwater elevations, the hydrology of areas to be altered and replicated, list of wetlands plant species of areas to be altered and the proposed wetland replication species, planned construction sequence, and a discussion of the required performance standards and monitoring. The DEIR should respond to DEP's comments regarding the use of wetland replication areas as a part of the project's proposed stormwater management system.

Rare Species:

According to the comments received from the Natural Heritage and Endangered Species Program (NHESP), portions of the project site are located within priority habitat for the Tiny-flowered Buttercup, (*Ranunculus micranthus*), a state listed endangered plant species. The project site is one of the best populations of the Tiny-flowered Buttercup in Massachusetts. NHESP has indicated that the proponent has consulted with NHESP to address the project's potential rare species impacts. According to NHESP, the proponent has committed to permanently protect approximately 9 acres of the project site containing the Tiny-flowered Buttercup. NHESP recommends that the proponent commit to a number of conditions to avoid a "take" of the Tiny-flowered Buttercup, and to protect the rare plants throughout project construction, including:

- Permanently protecting the 9-acre Open Space/Habitat Protection area through the use of a Conservation Restriction (CR) or Deed Restriction;
- Retaining a conservation entity with botanical expertise to serve as the grantee of the CR; and,
- Constructing permanent signs/markers, erected along the protected Open Space/Habitat Protection area boundaries prior to construction.

The DEIR should provide a detailed update of the proponent's efforts to design the project to avoid a "take" and significantly minimize impacts to of the Tiny-flowered Buttercup.

Stormwater:

At full build-out, the Christina Estates project will create approximately 20 acres of new impervious surface area. The DEIR should include a stormwater drainage plan for the proposed residential subdivision project. The DEIR should identify the quantity and quality of flows. The rates of stormwater runoff should be analyzed for the 10, 25 and 100-year storm events. It should demonstrate that the design of the drainage system is consistent with DEP's Stormwater Management Policy, and the Town of North Attleborough's Storm Water Program, or in the alternative, why the proponent is proposing a drainage system design not recommended by DEP. The proponent should use the DEP Stormwater Management Handbook when addressing this issue. The DEIR should detail any water quality monitoring proposed, and development of any action thresholds and management responses. The DEIR should also evaluate impacts on wetlands from drawdown of the water table associated with residential water withdrawals. If the proponent ties into an existing municipal stormwater system, the DEIR should clarify the permits required and if there will be a recharge deficit on-site. The DEIR should describe where the Cumberland Avenue, Cushman Road, and Remington Drive drainage systems discharge in this area. It should also be demonstrated that the proposed drainage system would control storm flows at existing levels. In addition, a maintenance program for the drainage system will be needed to ensure its effectiveness, and should outline actual maintenance operations, sweeping schedule, responsible parties, and back-up systems.

The DEIR should investigate feasible methods of reducing impervious surfaces. The DEIR should respond to DEP's comments pertaining to the proposed stormwater management plan's consistency with DEP's Stormwater Management Policy.

Water:

As currently proposed, the potable water supply needs of the Christina Estates project (48,400 gpd) will be served by the Town of North Attleborough, or the City of Attleborough. The DEIR should demonstrate that the use of either of these municipal water supply sources to serve the full-build project is feasible. At a minimum, the DEIR should demonstrate that:

- the municipal water supply has sufficient design capacity to accommodate the proposed project's additional water supply demand; and,
- the proponent has secured permission from the Town of North Attleborough, or the City of Attleborough to obtain the necessary potable water supply.

The DEIR evaluate development of an on-site groundwater wellfield to serve the project. The plans should also note any applicable local and state buffer zone requirements. The proponent should consult with DEP regarding the need, if any, for a Groundwater Withdrawal Permit for any portion of the proposed project.

Wastewater:

According to the information provided in the ENF, and statements made by the proponent during the MEPA Scoping Session held for this project on January 25, 2006, the wastewater flow generated by the Christina Estates project (approximately 48,400 gallons per day (gpd)) will be directed to the Town of North Attleborough's sewer collection system via two separate sewer extension/connections located in Bernice Street at the project site's southern boundary, and in Cumberland Avenue at the project site's northern boundary. As described by the proponent, the wastewater flow (approximately 14,100 gpd) from the proponent's construction of 32 new houses located in the southern portion of the project site will be directed to the Bernice Road sewer line. The wastewater flows (34,300 gpd) from the remaining 78 proposed new houses located within the project site, along with the wastewater flow (14,100 gpd) from 32 existing homes located along Cumberland Avenue, will be directed to North Attleborough's Cumberland Avenue sewer line. The Bernice Street sewer line conveys wastewater flow to the Lake Como sewer line, and the Cumberland Avenue sewer line conveys wastewater flow to the Washington Street sewer line, and onto the City of Attleboro's sewer collection and wastewater treatment facility (WWTF) under an existing inter-municipal agreement between the Town of North Attleborough and the City of Attleboro. The DEIR should demonstrate that the discharge of the project's wastewater to the Town of North Attleborough's municipal sewer collection and conveyance system and the City of Attleboro's WWTF is feasible.

The DEIR should demonstrate that Town of North Attleborough's sewer conveyance system has the capacity to accommodate the additional wastewater flows from the project, and that these additional flows can be accommodated within the total volume of wastewater flow allowed to the Town of North Attleborough under the existing inter-municipal agreement (IMA) with the City of Attleboro for treatment of the North Attleborough's wastewater flows at the Attleboro's WWTF. The DEIR should respond to DEP's comments pertaining to the proponent's sewer management plan. The DEIR should discuss the potential for sewerage the Christina Estates project, as currently proposed, under the Town of North Attleborough's Comprehensive Wastewater Management Plan (CWMP). The DEIR should evaluate at least one alternative on-site wastewater disposal scenario to serve the Christina Estates project. At a minimum, the DEIR should evaluate development of an on-site small package treatment facility. The proponent should consult with DEP regarding the need, if any, for a Groundwater Discharge Permit for any portion of the proposed project. The plans should also note any applicable local and state buffer zone requirements.

Historic/Archaeological Resources:

In their comments, the Massachusetts Historical Commission (MHC) has indicated that the project site is likely to contain archaeological sites associated with Native American occupation of the North Attleborough area. The proponent should work closely with MHC to design and conduct an intensive (locational) archaeological survey of the project site to locate and identify any significant historic or archaeological resources that could be potential impacted by the proposed project. The DEIR should provide an update of the proponent's archaeological survey of the project site.

Construction Period:

The DEIR should analyze construction-period impacts, and the extent of any blasting and/or re-grading during construction. The DEIR should discuss whether the project will require a federal NPDES permit for construction activities, and explain how the proponent will meet any performance standards.

Hazardous Waste Remediation:

In their comments, DEP has identified at least one site, located within the immediate vicinity of the project site where a release of hazardous waste material to soil or groundwater has been reported (RTN 4-10372). The proponent should consult with DEP's Bureau of Waste Site Cleanup (BWSC) in the final design of this project to explore what impacts, if any, the proposed project might have on these hazardous waste release sites. The proponent should ensure that the project contractors and sub-contractors maintain an emergency response plan in the event contamination is encountered during project construction.

Mitigation:

The DEIR should contain a summary of all mitigation measures to which the proponent has committed. The DEIR should include Proposed Section 61 Findings (in the form of a Draft Letter of Commitment in the case of MHD) for use by the state agencies.

Comments:

The DEIR should respond to the substantive issues raised in the comments received to the extent that the comments are within the subject matter jurisdiction of MEPA. I recommend that the proponent employ an indexed response to comments format, supplemented as appropriate with direct narrative response.

Circulation:

The DEIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should also be sent to the list of "comments received" below and to Town of North Attleborough, and City of Attleborough officials. A copy of the DEIR should be made available for public review at the North Attleborough and Attleborough Public Libraries.

March 10, 2006
Date


Stephen R. Pritchard

Comments received:

01/03/06	Town of North Attleborough, Board of Public Works
01/31/06	Department of Environmental Protection – SERO
01/27/06	Tilton and Associates, Inc.
01/30/06	Natural Heritage and Endangered Species Program (NHESP)
01/30/06	Tilton and Associates, Inc.
01/17/06	Massachusetts Historical Commission (MHC)
01/12/06	Town of North Attleborough – Conservation Commission
02/28/06	Department of Environmental Protection – SERO
002/28/06	Town of North Attleborough, Board of Public Works
03/06/06	Department of Environmental Protection – SERO

EOEA #13709 ENF
SRP/NCZ/ncz