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March 29, 2007

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME: Osborne Hills
PROJECT MUNICIPALITY: Salem
PROJECT WATERSHED: North Coastal
EOEA NUMBER: 13865
PROJECT PROPONENT: Osborne Hills Realty Trust
DATE NOTICED IN MONITOR: February 6, 2007

As Secretary of Environmental Affairs, I hereby determine that the Final Environmental Impact Report (FEIR) submitted for this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00). On January 29, 2007, I issued a Certificate on the Draft Environmental Impact Report (DEIR) that allowed the DEIR to be reviewed as a FEIR in accordance with 301 CMR 11.08(8)(b)(2).

Project Description

As described in the FEIR, the project proposes a residential cluster subdivision of 131 single family homes on a 162-acre site in Salem, MA. The project site is located in northwest Salem adjacent to the Peabody municipal line. An approximately 250-foot wide New England Power transmission line easement bisects the project site in an east-west direction. Strongwater Brook originates on the site and flows to the east. An Outstanding Resource Water (ORW) to a public water supply is located in the northwest corner of the property. The development will preserve the open space and wetland values of the site. The average lot size for each home is half an acre and every home borders on dedicated open space. Approximately 96 acres of the project site will be permanently protected open space. Over a mile of a low-impact publicly accessible

trail network designed for passive recreational uses will be constructed to link the site's open space elements.

The project will be constructed in ten phases. Phase 1 includes 19 homes, together with all roads, utilities, stormwater management system components and wetland mitigation areas for the entire project. Phase 1 completion is anticipated in 2007. Phases 2 through 10 are the build-out of the remaining homes, and will not proceed until MEPA review has completed and until the Salem Conservation Commission has issued a Certificate of Compliance for Phase 1. The proponent plans to commence construction on Phase 2 in June of 2008 and on the last phase of the project in October of 2013.

Wastewater from the project will be conveyed via the Salem municipal system to the South Essex Sewage District for treatment. Wastewater from the first 19 homes will flow via gravity to a connection with the Salem sewer in Marlborough Road. This sewer will be privately owned until the completion of Phase 1. Wastewater from Phases 2 through 9 will be conveyed via force main to the Salem system located approximately 300 feet south of the primary entrance along Marlborough Road.

Jurisdiction

The project is subject to a mandatory Environmental Impact Report (EIR) and is undergoing review pursuant to Section 11.03(1)(a)(1) and 11.03(1)(a)(2) of the MEPA regulations because it requires state permits and will result in the alteration of more than 50 acres of land and the creation of ten or more acres of impervious surface. The project also exceeds MEPA ENF review thresholds for wastewater at 301 CMR 11.03(5)(b)(3)(c) because it requires the construction of greater than half a mile of new sewer main not located in the existing right of way.

The project requires a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the U.S. Environmental Protection Agency (EPA); a Sewer Extension Permit from the Department of Environmental Protection (MassDEP); and review from the Massachusetts Historical Commission (MHC). The project has received Subdivision Approval and Special Permits from the Salem Planning Board and a Final Order of Conditions from the Salem Conservation Commission.

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 permits with the potential to cause Damage to the Environment. In this case, MEPA jurisdiction extends to wastewater and historic resources. The Certificate on the ENF encouraged the proponent to respond in the DEIR to comments from MassDEP regarding the project's impacts on wetlands and stormwater.

MEPA History

The Environmental Notification Form (ENF) for the project was noticed in the August 23, 2006 edition of the Environmental Monitor. On September 21, 2006 the proponent submitted a request to the MEPA Office for a Phase 1 Waiver that would allow the proponent to commence

construction of the 19 homes in Phase 1 prior to completion of the EIR for the entire project. The Secretary of Environmental Affairs issued a Certificate on the ENF on October 11, 2006 that outlined the Scope for the EIR and granted the Phase 1 Waiver. A Final Record of Decision (FROD) on the Phase 1 Waiver was issued on November 9, 2006. The DEIR was noticed in the Environmental Monitor on December 23, 2006. The Secretary's Certificate issued on January 29, 2007 allowed the DEIR to be reviewed as the FEIR.

Review of the EIR

The purpose of MEPA review is to ensure that a project proponent studies feasible alternatives to a proposed project; fully discloses environmental impacts of a proposed project; and incorporates all feasible means to avoid, minimize, or mitigate Damage to the Environment as defined by the MEPA statute. In the Certificate on the DEIR, I stated that the DEIR adequately described the impacts of the project that are within the jurisdiction of MEPA. The Certificate also stated that the DEIR had adequately responded to the scope contained in the ENF Certificate.

Mitigation

The EIR presented a Draft Section 61 Finding for the MassDEP Sewer Extension Permit that includes mitigation commitments covering areas of impact. While the municipal sanitary sewer system has the capacity to accommodate the additional flows related to the project, the proponent has also committed to providing \$60,000 to the City of Salem Sewer Department to fund removal of I/I from the Salem sewer system. The Final Section 61 Findings will be included with all state permits issued for this project, and will be considered binding upon the proponent as mitigation commitments.

Conclusion

I am satisfied that the proponent has met its obligations under MEPA, and that the state permitting agency, MassDEP, has adequate information upon which to base its required Section 61 Findings. MassDEP should forward a copy of the final Section 61 Findings to the MEPA office for completion of the project file. I refer the proponent, state agencies and others to the Certificate on the DEIR for additional details on mitigation commitments and recommendations regarding the proposed project. The proposed project requires no further review under MEPA and may proceed to state permitting.

March 29, 2007

Date



Ian A. Bowles

No comments received

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