



The Commonwealth of Massachusetts

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July 7, 2006

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

PROJECT NAME : Warner's Pond Dam Rehabilitation
PROJECT MUNICIPALITY : Concord
PROJECT WATERSHED : Assabet River
EOEA NUMBER : 13810
PROJECT PROPONENT : Town of Concord Public Works
DATE NOTICED IN MONITOR : June 7, 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 (EIR).

This project consists of the rehabilitation of an existing earthen dam owned by the Town of Concord. The dam is located at the confluence of Nashoba Brook (known as Warner's Pond) just south of Route 2 and west of Commonwealth Avenue. Residences are located to the south and east of Warner's Pond. Warner's Pond is listed in the State Inventory of Historic Assets of the Commonwealth, and is located within two other areas included in the Inventory -- Concord Junction and West Concord. The dam is registered with the Department of Conservation and Recreation (DCR) consistent with the Massachusetts Dam Safety Regulations (302 CMR 10.00) and has been classified as a Significant Hazard Dam. Dam safety inspections have identified several deficiencies in the structure including: failure of the eastern spillway training wall, a severely eroded earth embankment, inoperable outlet controls, lack of emergency site access and heavy tree and brush growth on the embankments.

The proposed project is intended to address deficiencies and improve safety of the dam. It includes reconstruction of the embankments and use of turf reinforcement mats planted with a native grass seed mix. Rip-rap will be used at the water/embankment interface to prevent scouring. The concrete spillway will be repaired to level it and to reduce or eliminate leakage.

A sluiceway will be installed in the spillway and the low level outlet pipe will be repaired to improve control of water levels. The auxiliary spillway will be lowered to the level of the primary spillway to increase flushing within the southeastern corner of the pond. In addition, a temporary gravel access roadway will be built for construction access and will be used by the Concord Land Conservation Trust to access conservation land upon completion of the project.

The project is undergoing MEPA review pursuant to Section 11.03 (3)(b)(1)(d) because it requires a state permit and will alter more than 5,000 sf of wetlands. The project requires a Dam Safety Permit from DCR. It may require a 401 Water Quality Certification from the Department of Environmental Protection (DEP). Also, the project requires an Order of Conditions from the Concord Conservation Commission (and hence a Superseding Order of Conditions in the event the local Order is appealed).

Potential environmental impacts are associated with the alteration of wetland resource areas including 2,120 sf of bordering vegetated wetlands (BVW), 5,070 sf of land under water (LUW), 10,500 sf of riverfront area and 80 cubic yards of land subject to flooding. The project will not modify surface water elevations downstream or upstream. Replication of wetland resources on-site are not feasible due to the small area of Town ownership and the presence of mature, native vegetation where replication would otherwise be considered. In lieu of replication, the proponent will develop and implement an invasive species control plan for upland and aquatic species in the vicinity of the dam and pond at a minimum ratio of 10:1. An area near the proposed access roadway has been identified for the replacement of upland wetland invasive species and several areas for aquatic weed removal have been identified in an existing pond management plan.

DEP has noted that the improvements will be reviewed as a limited project under the Wetlands Protection Act regulations (310 CMR 10.53(3)(i)). DEP's comment letter identifies information that should be included in the invasive species control plan being developed by the consultant for review during the Notice of Intent process.

The review of the ENF has served to adequately disclose the potential impacts associated with this project. Based on the information in the ENF and after consultation with relevant public agencies, I find that outstanding issues can be addressed through state and local permitting. No further MEPA review is required.

July 7, 2006

Date


Stephen R. Pritchard

Comments received:

6/27/06 Department of Environmental Protection/Northeast Regional Office (DEP NERO)
6/5/06 Massachusetts Historical Commission

SRP/CDB/cdb