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July 25, 2007

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

PROJECT NAME : Nature's Edge
PROJECT MUNICIPALITY : Elm Street - Kingston
PROJECT WATERSHED : South Shore
EEA NUMBER : 14047
PROJECT PROPONENT : Nature's Edge Building Co., LLC
DATE NOTICED IN MONITOR : June 25, 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 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 58 residential condominium units with 44 units in four buildings and 14 units in attached townhouses (approximately 60,834 square feet (sf)) with associated access roadways on a 30.06-acre site. The project will have its access driveway onto Elm Street. The site is wooded and contains two residential structures. One of the residential structures will be demolished.

The project is subject to review pursuant to Section 11.03(2)(b)(2) of the MEPA regulations because it involves the taking of an endangered or threatened species of special concern, and the project site is two or more acres and includes an area mapped as a Priority Site of Rare Species Habitats and Exemplary Natural Communities. The project will require a Conservation and Management Permit under the Massachusetts Endangered Species Act (MESA) from the Natural Heritage & Endangered Species Program (NHESP) and may require a Water System Modification Permit from the Department of Environmental Protection (MassDEP). The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. An Order of Conditions may be required from the Kingston Conservation Commission for impacts to buffer zones to wetland resource areas. MEPA jurisdiction is limited to those aspects of the project within the subject matter of state permits and that may have significant environmental impacts



(wetlands, stormwater, rare species, and water supply).

Each residential unit will be supplied with potable water by the Town of Kingston. The project will consume approximately 10,995 gallons per day (gpd) of water. The proponent will extend the existing water main in Elm Street to the project site. The project will generate approximately 9,995 gpd of wastewater. In the ENF, the proponent proposed connecting to the municipal sewer service that is located at Brook and Elm Streets. However, the Kingston Sewer Commissioners have indicated in their comment letter that there is no additional capacity at the wastewater treatment facility to handle this project. Therefore, the project proponent has proposed to construct a Title 5 septic system to accommodate the project.

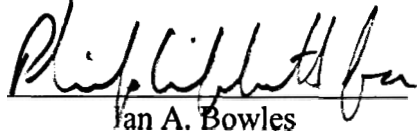
The project will create approximately 4.11 acres of new impervious area. The quality of stormwater runoff generated by the project will be improved by the implementation of Best Management Practices and Low Impact Design (LID). Existing site runoff is sheet flow. Runoff from the proposed roadways, driveways, and parking areas will flow to vegetated swales, and rain gardens. Roof runoff will be infiltrated into the rain gardens. The rate of water discharging from the site has not been determined at this time. The proponent and the condominium association will provide for an annual inspection and maintenance program for the stormwater collection system and a seasonal sweeping program of the proposed driveways and parking areas. The proponent will implement LID techniques, such as pervious parking, sidewalk and driveway areas. The proponent has included 5-foot wide sidewalks on both sides of its proposed roadway.

Because of the Priority Habitat located on the project site, the project proponent has completed a habitat assessment and/or surveys as part of its MESA filing as requested by NHESP. The proponent has proposed to install wildlife barriers, two grated wildlife crossings under the roadway, native plantings, signage regarding wildlife passage, post and rail fencing to limit residential activities, pervious pavers, and an annual monitoring program of Endangered Species. It is also proposing to place approximately 21 acres of the undeveloped portions of the site under a Conservation Restriction. I ask the proponent and NHESP to consider having a trained biologist to be available to monitor construction impacts on rare species habitat at the project site. Construction personal should be trained to stop work in areas where a turtle is located until it is safely relocated beyond the construction area. I ask NHESP to consider the comment letter from the Kingston Open Space Committee (KOSC) to ensure that the proponent provides a Conservation Restriction either locally or with my office that protects the 21 acres to its satisfaction. The NHESP and the proponent should consider establishing some type of fund to ensure that the annual monitoring program, which will be part of the proponent's Conservation and Management Plan, will have sufficient resources. The proponent should continue to present its proposal for walking trails within the project site for review with the KOSC.

Based on a review of the information provided by the proponent, a review of the

comment letters, and after consultation with NHESP, I find that the potential impacts of this project do not warrant the preparation of an EIR.

July 25, 2007
Date


Ian A. Bowles

Comments received:

Environmental Consulting & Restoration (ECR), 7/10/07
Kingston Sewer Commission/Water Department, 7/10/07
Kingston Town Planner, 7/12/07
Kingston Conservation Agent, 7/13/07
Kingston Town Planner, 7/13/07
Jones River Watershed Association, 7/16/07
ECR, 7/16/07
ECR, 7/16/07
ECR, 7/16/07
MassWildlife, 7/16/07
MassDEP/SERO, 7/16/07
Kingston Conservation Commission, 7/16/07
Kingston Open Space Committee, 7/16/07
Dan Sapir, 7/21/07

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