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August 8, 2008

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

PROJECT NAME : North Village
PROJECT MUNICIPALITY : Douglas
PROJECT WATERSHED : Blackstone
EEA NUMBER : 14275
PROJECT PROPONENT : North Brown, LLC
DATE NOTICED IN MONITOR : July 9, 2008

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.

As described in the Environmental Notification Form (ENF), the project involves a proposed mixed-use residential development consisting of 28 single family homes and 105 condominium units to be developed under the provisions of M.G.L. Chapter 40B. The project site consists of approximately 88.54 acres of undeveloped woodland located west of North Street. Sanitary sewage disposal will be provided by a gravity sewer collection system. The condominium development will contain a pump station to collect sewage flow from the gravity collection lines and discharge to the Town of Douglas Wastewater Treatment Plant. Low-pressure sewer pumps will be located within each single family home that will discharge sewage flow to a gravity sewer line in the street. To access the upland portion of the site, a wetland crossing has been designed to minimize disturbance as much as possible.

The project is undergoing review pursuant to Section 11.03 (1)(b)(2), Section 11.03 (6)(b)(15) and Section 11.03 (5)(b)(3)(c), of the MEPA regulations because it will result in the

creation of more than five acres of new impervious surfaces (8.44 acres total), the construction of 300 or more new parking spaces at a single location (322 parking spaces total), and the construction of one or more new sewer mains one half or more miles in length. The project will require a Sewer Extension Permit and a Distribution System Modification Permit from the Department of Environmental Protection (MassDEP). 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 from the U.S. Environmental Protection Agency (EPA). The project requires an Order of Conditions from the Douglas Conservation Commission (and hence a Superseding Order of Conditions from MassDEP if the local Order were appealed). The proponent is seeking a Board of Appeals Special Permit pursuant to M.G.L. Chapter 40B; the project would require an approval from the Department of Housing and Community Development if the proponent appeals the Board of Appeals permit.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that may cause significant Damage to the Environment and that are within the subject matter of required or potentially required state permits. In this case MEPA jurisdiction exists over issues related to land alteration, stormwater, water and wastewater.

Wastewater

According to the information provided in the ENF, the proposed project consists of a 105 condominium units and 28 single-family residences, generating a total design flow of 42,790 gallons per day (gpd) of sewage. The ENF states that the site will be connected to the Douglas sewer system through a proposed pump station serving the condominiums, and through a low-pressure sewer with individual grinder pumps serving the single-family residences. However, the ENF was not clear whether any portion of the sewer will be privately owned. A municipality generally owns portions of the proposed sewer in public roadways unless the Town of Douglas specifically grants permanent easements for them. MassDEP states in its comment letter that if these sewers are publically owned, it would be considered a sewer extension, and if greater than 1,000 feet in length, the project will require obtaining a Sewer Extension Permit from MassDEP. I also note that in accordance with 314 CMR 7.00, the proposed privately owned grinder pumps serving individual residences are exempt from obtaining a Sewer Connection Permit from MassDEP.

The proposed low-pressure sewer system and individually owned grinder pumps still pose a number of operational issues for the Town of Douglas. If there is any failure of the low-pressure system resulting in pollution, the Town may be held jointly responsible. MassDEP recommends that the Town reconsider installing a conventional gravity sewer connected to a pump station instead. However, if the Town still prefers the latter, it must be prepared to provide the necessary oversight to ensure that this private system is maintained properly.

Water

The ENF indicates that water for the proposed project will be supplied by the Town of Douglas municipal public water system. The drinking water needs for the proposed project are

expected to be 42,790 gpd. MassDEP requires that the proponent submit documentation from the Town of Douglas Water Department indicating that there is adequate hydraulic capacity to provide safe drinking water to the proposed project at the anticipated post-development demand flow. The proposed project includes the construction of about 5,938 feet of water mains. MassDEP has stated in its comment letter that the project requires a Distribution System Modification Permit application for MassDEP review and approval.

I encourage the proponent, as part of its sustainable design efforts, to explore opportunities for implementing water conservation measures in addition to those required by the State Plumbing Code. The proponent should design landscaping features that include native, drought-tolerant species that require minimal water to maintain. I encourage the proponent to make water conservation technologies and education an integral role in the development of this LEED certifiable project.

Sustainable Design

I strongly encourage the proponent to construct LEED certifiable green buildings. Sustainable design features include design features such as the use of recycled or renewable construction materials and the use of low-emitting materials to improve indoor air quality. This project has an opportunity to be a model for future affordable housing project. I encourage the proponent to explore ways to reduce overall project energy consumption and achieve sustainable design goals.

Rare Species

The Natural Heritage and Endangered Species Program (NHESP) has stated in its comment letter that the proponent has made a significant effort to design this project to minimize impacts on the Four-toed Salamander, which was removed from the Massachusetts Endangered Species Act (MESA) list of Endangered, Threatened, and Special Concern species on June 25, 2008. As a result of this de-listing, this project is no longer subject to MESA and will no longer require a Conservation and Management Permit. The NHESP has stated that it will continue to play an advisory role in helping to assure successful design and implementation of salamander protection measures, including the project's proposed conservation restriction and road crossing structures.

Construction Period Impacts

The proponent should take measures to reduce potential demolition and construction period impacts (including but not limited to noise, vibration, dust, and traffic flow disruptions). The project must comply with MassDEP's Solid Waste and Air Quality Control regulations during construction. The proponent should consult with MassDEP for appropriate standards and guidelines for managing construction waste.

I encourage the proponent to mitigate the construction period impacts of diesel emissions to the maximum extent feasible. This mitigation may be achieved through participation in the MassDEP Diesel Retrofit Program. The proponent should work with MassDEP staff to

implement construction-period diesel emission mitigation, which could include the installation of after-engine emission controls such as oxidation catalysts or diesel particulate filters. I remind the proponent that off-road equipment engines must use low sulfur diesel (LSD) fuel as of July 2007, as required by a 2004 regulation issued by the U.S. EPA. I encourage the proponent to further mitigate construction period air quality impacts through the use of ultra low sulfur diesel (ULSD) fuel in off-road engines, which contains even lower sulfur content than LSD.

The impacts of the project within MEPA jurisdiction do not warrant the preparation of an EIR. I conclude that no further MEPA review is required. The proponent may resolve any remaining issues during the state and local permitting processes.

August 8, 2008
Date



Ian A. Bowles

Comments received:

07/28/2008 Division of Fisheries and Wildlife
07/29/2008 Massachusetts Department of Environmental Protection (MassDEP) – CERO

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