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August 21, 2009

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

PROJECT NAME : Lot 10A Oak Street
PROJECT MUNICIPALITY : East Bridgewater
PROJECT WATERSHED : Taunton
EEA NUMBER : 14453
PROJECT PROPONENT : Daniel Plant
DATE NOTICED IN MONITOR : July 22, 2009

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (G. L. c. 30, ss. 61-62I) 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).

Project Description

As described in the Environmental Notification Form (ENF), the project consists of the construction of a 2,400 square foot (sf) steel building with associated access road, parking, landscaping, utilities (including a stormwater management system) and site grading on a 5.83 acre site in East Bridgewater. The Proponent owns a trucking operation and the building will be primarily used as office space, with some additional space for the storage of equipment and the minor repair of trucks. The undeveloped site is zoned for industrial use with access and frontage on the southerly side of Oak Street. The site is diagonally bisected by approximately 144,378 sf of Bordering Vegetated Wetlands (BVW). According to the ENF, the proposed project will impact an estimated 15,789 sf of BVW associated with a wetland crossing to provide access to the rear upland portion of the site.

Jurisdiction and Permitting

The project is undergoing review pursuant to Section 11.03(3)(b)(1)(d) of the MEPA regulations because it requires a State Agency Action and it will result in the alteration of 5,000

or more sf of BVW. The project will require: a Section 401 Water Quality Certificate (WQC) from the Massachusetts Department of Environmental Protection (MassDEP); an Order of Conditions (OOC) from the East Bridgewater Conservation Commission (and, on appeal only, a Superseding Order of Conditions from MassDEP); and a National Pollutant Discharge Elimination System (NPDES) Stormwater Construction General Permit, including a Stormwater Pollution Prevention Plan (SWPPP), for construction activities which disturb one acre or more of land.

The Proponent is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction extends to those aspects of the project within the subject matter of required or potentially required state permits with the potential to cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to wetlands, and stormwater.

Review of the ENF

The Proponent altered approximately 10,862 sf of BVW on the site prior to the receipt of an OOC from the East Bridgewater Conservation Commission for alteration of a wetland resource area. Subsequent to this unpermitted activity, the Proponent filed a Notice of Intent, and has received an OOC for the proposed alteration of additional BVW for the wetland crossing and the restoration of previously altered BVW. The project was filed under the limited project provisions of the Wetlands Protection Act (WPA) regulations (310 CMR 10.53(4)) for construction of a new roadway where reasonable means of access from a public way to an upland area of the same owner is unavailable. According to the ENF, the Proponent evaluated alternatives to the proposed wetland crossing and determined that there are no practicable alternatives that would have a less adverse impact on the wetland resource areas on the site, and which do not involve the placement of fill material in the resource area. The project has been designed to comply with MassDEP's Stormwater Management Policy.

A 401 WQC will be required for alteration of 15,789 sf of BVW which will be mitigated by providing 16,218 sf of replication on site. According to the comments provided by MassDEP, the ENF plans reflect changes to the BVW delineation previously submitted to the East Bridgewater Conservation Commission, as well as to the extent of unpermitted BVW alteration which is proposed for restoration. As a result of these changes, additional replication areas have been added to the site plan that was approved by the OOC. MassDEP requires that the Proponent request an amendment to the existing OOC from the Conservation Commission to reflect these changes, in addition to any changes required as a result of the WQC process.

I refer the Proponent to the comments jointly provided by the Massachusetts Audubon Society and the Taunton River Watershed Alliance, Inc. regarding the project's compliance with the WQC regulations at 314 CMR 9.00. Specifically, the comments question:

- the potential for alternative access to the site;
- the likelihood of success of the proposed wetlands replication;
- the presence of any intermittent streams on the site; and
- the design of the stormwater management system.

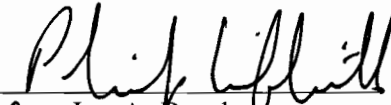
I ask that MassDEP consider these comments during the WQC review.

Conclusion

Based on the information in the ENF and after consultation with relevant public agencies, I find that no further MEPA review is required at this time. The project may proceed to state permitting.

August 21, 2009

Date


for Ian A. Bowles

Comments received:

- 08/11/2009 Massachusetts Department of Environmental Protection – SERO
- 08/11/2009 Mass Audubon and the Taunton River Watershed Alliance, Inc.

IAB/PPP/ppp