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October 24, 2008

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

PROJECT NAME : Morgan Farm Estates
PROJECT MUNICIPALITY : Morgan Farm Road/Little Boot Lane - Westwood
PROJECT WATERSHED : Boston Harbor
EEA NUMBER : 14321
PROJECT PROPONENT : **Wall Street Development Corporation**
DATE NOTICED IN MONITOR : September 24, 2008

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) 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 an 11-Lot (23,100 square feet (sf)) residential subdivision with associated access roadways on a 20.1-acre site. The project will have its access from Morgan Farm Road and Little Boot Lane through the Powissett Estates residential subdivision. Based on the Institute of Traffic Engineers Land Use Code 210, the proposed project is estimated to generate approximately 105 new vehicle trips per weekday. About 22 parking spaces will be constructed. The parking spaces include 11 garage spaces. The site is currently vacant of structures.

The project is subject to review pursuant to Section 11.03(3)(b)(1)(d) of the MEPA regulations because the project alters 5,000 or more sf of Bordering Vegetated Wetlands (BVW). It will require a 401 Water Quality Certificate, a Superseding Order of Conditions, and a Sewer Connection/Extension Permit from the Department of Environmental Protection (MassDEP). On July 15, 2008, the Westwood Conservation Commission denied the proponent's request for an Order of Conditions and the proponent has appealed to MassDEP for a Superseding Order of Conditions. The project must comply with the National Pollutant Discharge Elimination System

(NPDES) General Permit for stormwater discharges from a construction site. It will require a Section 404 Programmatic General Permit (PGP) from the U.S. Army Corps of Engineers. The Massachusetts Historical Commission will review the project under Section 106 of the National Historic Preservation Act. MEPA jurisdiction is limited to those aspects of the project within the subject matter of state permits and that may cause Damage to the Environment, as defined in the MEPA regulations (in this case: wetlands, stormwater, and wastewater).

Each residential unit will be supplied by both public water and wastewater service. The project will consume approximately 6,655 gallons per day (gpd) of water. It will generate approximately 6,050 gpd of wastewater (based on 55 bedrooms). The proponent is proposing to construct approximately 1,572 linear feet of sewer mains.

The project will create approximately 2.1 acres of new impervious area. The quality of stormwater runoff generated by the project will be improved by the implementation of Best Management Practices. Existing site runoff is sheet flow. Runoff from the proposed roadways, driveways, and parking areas will flow to catch basins equipped with deep sumps and hoods. Stormwater flows will be directed to water quality units and detention basins with forebays. Roof runoff will be infiltrated into dry wells. The rate of water discharging from the site will remain less than existing peak runoff rates. The proponent has committed to perform an annual inspection and maintenance program for the stormwater collection system and a seasonal sweeping program of the proposed driveways and parking areas. According to the ENF, the Town of Westwood will be responsible for the inspection and maintenance of the roadway drainage system once the roadways have been accepted as Town roads. The proponent has included 5-foot wide sidewalks on both sides of its proposed roadway.

The Massachusetts Historical Commission (MHC) has determined that portions of the project area are archaeologically sensitive and may contain significant historic and archaeological resources. Because the project requires a Section 404 Programmatic General Permit (PGP) from the U.S. Army Corps of Engineers, MHC will review the project under Section 106 of the National Historic Preservation Act. The proponent should consult with MHC concerning the intensive (locational) archaeological survey that MHC has requested.

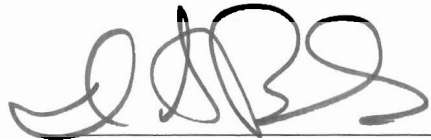
According to the proponent, the project will alter 10,260 sf of BVW in order to provide access to uplands portions of the site. The proponent is seeking a "limited" project status under the Wetlands Protection Act and regulations (310 CMR 11.53). It is utilizing retaining walls and a culvert to reduce wetland impacts. The proponent is proposing a 13,800 sf BVW replication area. It is also proposing a potential additional replication area of 7,250 sf. MassDEP's comments state that, in its opinion, the project is not permissible because the proponent cannot demonstrate that it has obtained all required local permits as required under 310 CMR 10.05(4)(e). The proponent disagrees with that contention. In addition, MassDEP is of the opinion that the deeded restriction concerning on-site wetlands excludes any subdivision

roadways which would also preclude MassDEP from issuing a Superseding Order of Conditions for the project.

Based on review of the ENF and comments received, and consultation with state agencies, I have determined that no further MEPA review is required for the project as proposed in the ENF. As noted above, serious concerns have been raised concerning whether the project as currently designed is permissible under the Wetlands Protection Act. Project changes may therefore be required in order to obtain the necessary state permits. If the proponent chooses to redesign the project to meet permitting requirements, a Notice of Change (NPC) must be filed in accordance with 301 CMR 11.10 and I reserve my rights to require further review in the form of an Environmental Impact Report based upon the redesigned project presented in any NPC. In the event that the proponent is able to obtain the required permits to allow the project presented in the ENF to proceed, MassDEP has sufficient permitting authority to address any potential environmental impacts.

October 24, 2008

Date



Ian A. Bowles

Comments received:

MHC, 9/29/08

NHESP, 9/29/08

Wall Street Development Corp., 10/2/08

MHC, 10/8/08

GLM Engineering, 10/9/08

GLM Engineering, 10/14/08

MassDEP/NERO, 10/14/08

Charles River Watershed Association, 10/14/08

Wall Street Development Corp., 10/21/08

MassDEP/NERO, 10/24/08

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