

The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

IAN A. BOWLES
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/envir>

October 25, 2007

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

PROJECT NAME :Manitook Estates
PROJECT MUNICIPALITY :Rehoboth
PROJECT WATERSHED :Palmer
EOEA NUMBER :14105
PROJECT PROPONENT :Thomas Grossi
DATE NOTICED IN MONITOR :September 25, 2007

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.03 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).

As described in the Environmental Notification Form (ENF), the proposed project involves the construction of a 37-lot residential subdivision, including 74 surface parking spaces, approximately 4,000 linear feet of roadway, and associated utilities and stormwater management infrastructure including 4 stormwater detention basins, on a 58.19-acre site located off Bliss Street in Rehoboth. The project's estimated water supply demand (12,210 gallons per day (gpd)) and wastewater flows (12,210 gpd) will be served by individual private on-site water supply wells and on-site package wastewater treatment facility in accordance with Massachusetts Title 5 regulations, respectively. Approximately 27 percent of the residential units (10 units total) will be affordable and available for purchase by persons who meet the HUD Affordability Requirement.

The project is undergoing review pursuant to Section 11.03 (1)(b)(1) and (3)(b)(1)(d) of the MEPA regulations because the project will result in the direct alteration of 25 or more acres of land (approximately 35 acres total), and the alteration of 5,000 sf or more (approximately 9,500 sf total) of bordering vegetated wetlands (BVW). The project will require a 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP).

The project received Orders of Conditions from the Rehoboth Conservation Commission which have been appealed by the proponent to MassDEP for a Superseding Order of Conditions. MassDEP is currently reviewing the proponent's application for the issuance of a Superseding Order of Conditions. 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. The project has undergone extensive review by the Housing Appeals Committee (HAC). In the HAC's November 6, 2006 Decision of the Committee on Remand, the HAC directed the Rehoboth Zoning Board of Appeals to issue the proponent a comprehensive permit for the construction of the proposed 37-lot residential subdivision without any additional local municipal review. If blasting will be required during project construction, the proponent will need to prepare a blast design plan pursuant to the Board of Fire Protection Regulations (577 CMR 13.09) for the construction of roads, houses and utilities within the project site. Blasting mixtures that include perchlorate have been identified as the source of contamination in many Massachusetts public water supplies. To the extent practical, blasting activities should avoid the use of perchlorate-containing explosive products when surface or groundwater can be affected with particular attention recharge areas of public drinking water supply wells (i.e., Zone II and Interim Wellhead Protection areas), and within and adjacent to the sensitive watershed areas of public drinking water supply reservoirs (i.e., Zone B areas). Because the proponent is seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to all aspects of the project that have potential to cause direct or indirect environmental impacts.

Land Alteration /Alternatives

As currently designed, the residential subdivision project will result in significant alterations to land including wetland resource areas. According to the proponent the project will result in the alteration of approximately 7.8 acres of the 100' wetland buffer zone. The proponent has committed to place approximately 23.6 acres (40%) of the project site (Lot A, Lot B) under a Conservation Restriction (CR) to be held by the Rehoboth Conservation Commission to ensure for their permanent protection. The proponent should also consider placing deed restrictions, to include certified vernal pools, if any, and the uplands around them, on any residential properties that will be located within 600 feet of any vernal pools or within the 100-foot wetlands buffer zone as a method for avoiding future impacts from homeowner activities.

As described elsewhere in this Certificate, the project requires a 401 Water Quality Certificate (401 WQC) from MassDEP, and must comply with MassDEP's wetlands regulations. I note that MassDEP's 401 WQC and wetlands regulations review processes require an alternatives analysis that considers practicable alternatives to avoid, minimize, and mitigate impacts to wetlands resource areas. The proponent's alternatives analysis will need to satisfactorily comply with the alternative analysis requirements for MassDEP's 401 WQC and wetlands regulations review processes.

The ENF contains a project site plan that shows portions of numerous house lots, Title 5 systems, water supply wells, stormwater management infrastructure, and internal circulation roadway to be located within the 100-foot wetland buffer zone. The alternative analysis should evaluate at least one alternative site layout that significantly reduces land alteration and impervious surface area, and further reduces impacts to wetlands and wetland buffer areas. The alternative analysis should also investigate alternative site layouts that maximize undisturbed buffers around vernal pools, perennial streams, and other wetlands; and that minimize loss of open space.

I encourage the proponent to evaluate sustainable design alternatives such as Low Impact Development (LID) techniques in site design and stormwater management plans. LID techniques incorporate stormwater best management practices (BMPs) and can reduce impacts to land and water resources by conserving natural systems and hydrologic functions. The primary tools of LID are landscaping features and naturally vegetated areas, which encourage detention, infiltration and filtration of stormwater on-site. Other tools include water conservation and use of pervious surfaces. Clustering of buildings is an example of how LID can preserve open space and minimize land disturbance. LID can also protect natural resources by incorporating wetlands, stream buffers and mature forests as project design features. For more information on LID, visit <http://www.mass.gov/envir/lid/>. Other LID resources include the national LID manual (Low Impact Development Design Strategies: An Integrated Design Approach), which can be found on the EPA website at: <http://www.epa.gov/owow/nps/lid/>.

Wetlands

The construction of the Manitook Estates project will involve one wetlands crossing for the project's access road to additional uplands located in the western portion of the project site, and will result in the alteration of approximately 9,500 sf of BVW. The proponent is claiming limited project status for the project's proposed wetland alterations. As noted above, the proponent will need to demonstrate how the project meets the performance standards of the Wetlands Protection Act, including standards related to limited projects and the extent of alteration of wetlands. The proponent should respond to MassDEP's comments pertaining to the consistency of the proposed wetlands crossing with MassDEP's Wetlands Protection Act. Specifically, the proponent will need to provide MassDEP with any supporting information to evaluate the proponent's limited project claims. The proponent should evaluate deed restrictions as a method of avoiding future wetland impacts from homeowner activities, and as a method of minimizing water quality impacts associated with residential lawn care. The Commonwealth has endorsed a "No Net Loss Policy" that requires that all feasible means to avoid and reduce the extent of wetland alteration be considered and implemented. The proponent has committed to construct approximately 13,700 sf of wetlands replication (1:1.4) to be located adjacent to existing BVW that directly abut the proposed roadway crossing.

Stormwater

At full build-out, the Manitoak Estates project will create approximately 3.8 acres of new impervious surface area. The ENF includes a proposed stormwater drainage plan for the residential subdivision project. According to the proponent, the design of the drainage system is consistent with MassDEP's Stormwater Management Policy. The proponent will need to also evaluate impacts on wetlands from drawdown of the water table associated with residential water withdrawals. It should also be demonstrated that the proposed drainage system would control storm flows at existing levels. In addition, a maintenance program for the drainage system will be needed to ensure its effectiveness, and should outline actual maintenance operations, sweeping schedule, responsible parties, and back-up systems.

Water


The project's water supply needs (approximately 12,210 gpd will be provided via groundwater withdrawal from individual private water supply wells to be located within each of the proposed residential development lots. The proponent will need to work closely with the Town of Rehoboth to determine the suitability of the project site's hydrogeology and groundwater resources to accommodate the proposed water supply needs for the project. The proponent may be required to demonstrate that the proposed project and drawdown of the water table associated with the project's proposed water withdrawals, will not adversely impact the site's surface and subsurface hydrology, wetlands resource areas, or any water supply wells located on abutting properties.

Wastewater

According to the information contained in the ENF, the proponent has proposed to construct individual private subsurface Title 5 systems to be located within each of the proposed residential development lots to serve the project's wastewater flow (12,210 gpd) in accordance with Massachusetts Title 5 regulations.

Based on the information provided by the proponent and consultation with relevant public agencies, I conclude that no further MEPA review is required. The review of the ENF has served adequately to disclose potential impacts and mitigation, and to demonstrate that project impacts do not warrant the preparation of an Environmental Impact Report. The proponent can resolve any remaining issues in the permitting process.

October 25, 2007
Date



Ian A. Bowles, Secretary

Comments received:

10/16/07 Town of Rehoboth, Town Administrator's Office
09/27/07 RIM Engineering Company, Inc.
10/12/07 **Department of Environmental Protection (MassDEP) – SERO**
10/16/07 RIM Engineering Company, Inc.
10/17/07 RIM Engineering Company, Inc.

EEA #14105 ENF
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