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December 3, 2007

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : South Natick Hills
PROJECT MUNICIPALITY : Natick
PROJECT WATERSHED : Charles River
EOEA NUMBER : 13699
PROJECT PROPONENT : **South Natick Hills, LLC**
DATE NOTICED IN MONITOR : October 27, 2007

As Secretary of Energy and Environmental Affairs (EOEEA), I hereby determine that the Draft Environmental Impact Report (EIR) submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00).

Project Description

As described in the Environmental Notification Form (ENF) and updated in the Draft EIR, the proposed project consists of a 268-unit condominium development on a 52-acre site in Natick. The units will be located in six apartment buildings and 15 townhouses (consisting of three to four units each). The project will be serviced by municipal water and sewer. Primary access will be provided via South Main Street.

The project site consists of undeveloped wooded uplands, wetland areas and fields. It is located within the Charles River basin, which is listed as a medium stressed basin by the Water Resources Commission. It is abutted by South Main Street (Route 26) to the south and Rockland Street to the west. Access will be provided via South Main Street. The Department of Fish and Game's (DFG) Natural Heritage and Endangered Species Program (NHESP) indicates that the

project is located within actual habitat of the Four-toed Salamander (*Hemidactylium scutatum*), a species of Special Concern.¹ In addition, several potential vernal pools (PVPs) are located within the wetlands on the site.

Permits and Jurisdiction

The project is undergoing MEPA review pursuant to Section 11.03 (1)(a)(2) because it requires a state permit and will create ten or more acres of impervious area. The project requires a Sewer Connection Permit from the Department of Environmental Protection (MassDEP) and a Conservation and Management Permit from NHESP. Also, it requires an Order of Conditions from the Natick Conservation Commission (and hence a Superseding Order of Conditions in the event the local Order is appealed). Because the project no longer requires review by the Housing Appeals Committee (HAC),² which conferred broad scope jurisdiction, MEPA jurisdiction is limited 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. These include land alteration, wetlands, drainage, water quality, wastewater and historic and archaeological resources.

Review of the Draft EIR

The Draft EIR includes a thorough description of the project and all project elements. It describes each state permit required for the project and identifies how the project will meet applicable performance standards. The Draft EIR includes an Alternatives Analysis that evaluates a No Build Alternative, the Preferred Alternative, and a Reduced Build Alternative. It identifies construction phasing, potential impacts associated with construction activities and measures to avoid or eliminate these impacts. As required, it includes Section 61 Findings for use by state agencies and a schedule for implementation of mitigation measures.

The Preferred Alternative has been altered since the filing of the ENF and is the plan for which the Town of Natick issued a Comprehensive Permit. The Reduced Build Alternative illustrates how impervious surfaces and impacts to wetlands could be reduced while providing an equivalent number of units through the replacement of townhouse units with a total of 8 apartment buildings. The Draft EIR quantifies the amount of land altered, the amount of earthwork involved in meeting final grades, the amount of impervious surfaces and the amount of wetland impacts associated with each Alternative.

The Draft EIR indicates that the project has been re-designed to respond to local concerns through the Comprehensive Permit process. As a result, the number of units has been reduced from 300 to 268. Although the total units have decreased, the number of townhouses has been

¹ At the time of the ENF review, the Spotted Turtle (*Clemmys guttata*), was included on the Massachusetts List of Endangered, Threatened and Special Concern Species. Subsequent to the ENF review, the Spotted Turtle was delisted and is no longer identified as a Species of Special Concern.

² The proponent's request to the Housing Appeals Committee (HAC) for constructive approval was denied. The proponent was required to proceed through the Comprehensive Permit process with the Natick Zoning Board of Appeals. A Comprehensive Permit was issued on June 12, 2007 by the Zoning Board of Appeals. The Permit was not appealed to the Housing Appeals Committee (HAC).

increased from 3 to 15 and the number of apartment buildings decreased from 11 buildings to 6 buildings so the net effect is an increase in impervious surfaces and land alteration compared to the design included in the ENF. The Preferred Alternative will alter 26.8 acres of land, create 11.1 acres of new impervious surfaces and alter 4,600 square feet of BVW.

The Draft EIR demonstrates that the Reduced Build Alternative would further minimize environmental impacts associated with the project by reducing land alteration by 4.1 acres for a total of 22.7 acres and reducing the amount of new impervious surfaces by 1.7 acres for a total of 9.4 acres. Because the access drives are identical for each Alternative, wetlands impacts are the same. Although this Alternative would reduce environmental impacts associated with land alteration and impervious surfaces, the Draft EIR indicates that it is not viable because, based on input provided during the Comprehensive Permit process, the Town is unlikely to support a design that includes additional apartment buildings.

The Draft EIR clearly identifies wetlands impacts and describes measures to avoid, minimize and mitigate these impacts. Construction of the access drives will result in the alteration of 4,600 sf of bordering vegetated wetlands (BVW). No work is proposed within the riverfront area associated with Indian Brook. A Notice of Intent has been filed with the Natick Conservation Commission and is under review. The proponent has committed to several measures to minimize and mitigate impacts including: use of an open bottom culvert to preserve the natural streambed for the crossing of the wetlands associated with Indian Brook (Wetland Series A); wetlands replication on a 2:1 basis of wetlands altered to replication area; construction and maintenance of a stormwater management system consistent with DEP Stormwater Guidance. In addition, the Draft EIR indicates that impervious surfaces have been reduced through use of a narrower roadway (decreased from 26 feet to 24 feet), by minimizing the length of driveways serving the townhouse units and by locating parking underneath the apartment buildings. The Draft EIR does not include a Stormwater Management Plan or sufficient information (in text or through plans) to evaluate the adequacy of the stormwater management system or its consistency with the MassDEP Stormwater Management Policy.

Consistent with comments on the ENF, commentors continue to express concern with the stormwater design and impacts to groundwater supplies from reduced infiltration. Comments reiterate the importance of minimizing impervious surfaces to reduce stormwater and to retain as much natural recharge as possible.

The Draft EIR includes correspondence from the NHESP indicating that the proposed project will result in a "take" of Four-toed Salamanders through the disruption of feeding, migratory, and over-wintering behavior and through directly harming or killing individuals of this species during construction. Comments from NHESP on the Draft EIR indicate that the proponent has consulted with NHESP regarding the development of a Conservation and Management Plan for the Four-toed Salamander that includes: the permanent protection of approximately 16 acres of Four-toed Salamander habitat through placement of a Conservation Restriction on the land and contribution of \$10,200 to support off-site habitat protection or research to benefit the Four-toed Salamander. Land placed under the CR will include riverfront area associated with Indian Brook and the PVPs. Comments from NHESP indicate that they will continue working with the proponent to further develop construction period mitigation and permanent boundary markers and signage.

The Draft EIR indicates that the project will use approximately 62,040 gpd of water and generate 62,040 gpd of wastewater. Wastewater will be discharged to the Natick sewer system which flows into the MWRA system for treatment and discharge at the Deer Island Wastewater Treatment Facility. The Draft EIR indicates that the project will provide infiltration/inflow (I/I) removal for the market rate units at a ratio of 2:1 (2 gallons removed for every gallon added) for a total of 94,000 gpd. In addition, as required by the Town, the proponent will re-line asbestos cement pipes, including portions of the existing 8" gravity sewer in Rockland and Farewell Street and the 12" gravity sewer in the easement from Farewell to Cottage Street. The Draft EIR does not evaluate the I/I benefits associated with this commitment.

The Draft EIR indicates that the traffic study was revised and included analysis of additional intersections requested by the Town of Natick. In addition, it notes that the reduction in units will result in a corresponding reduction in traffic generated by the project. The Draft EIR indicates that a crosswalk with a pedestrian activated signal has been incorporated into the design of the access road at South Main Street. Sidewalks will be provided through the site and extend to existing sidewalks on South Main Street. A walking trail is proposed along the southern perimeter of the residences. In addition, a sheltered school bus stop and drop off area will be located at the intersection with South Main Street.

The Draft EIR includes a summary of the results of the intensive (locational) archaeological survey completed for the project and a copy of a letter from MHC dated August 27, 2007. The MHC letter indicates that, based on the results of the survey, the site is unlikely to contain significant archaeological resources. No additional review of historic or archaeological resources was requested.

Based on a review of the Draft EIR, comment letters and consultation with state agencies, I hereby determine that the Draft EIR adequately responds to the Scope identified for the project. The following section identifies outstanding issues that should be addressed in the Final EIR.

Scope for the Final EIR

Wetlands and Rare Species

The Final EIR must include a Stormwater Management Plan that demonstrates consistency with the MassDEP Stormwater Management Policy and the Town of Natick's Nonpoint Pollution Discharge Elimination System (NPDES) Storm Water General Permit. It should provide calculations of the peak rates of runoff, required and proposed infiltration volumes, water quality volumes, and total suspended solids removal for each discharge point. The stormwater system design should be shown on plans at a readable scale with all best management practice (BMP) designs, and supporting information. The locations of detention basins, distances from wetland resource areas, and the expected quality of the effluent from the basins should be identified. The EIR should also analyze indirect impacts to wetlands and water resources from receipt of drainage and stormwater runoff from the site. In addition, it should include an operations and management plan to ensure the long-term effectiveness of the stormwater management system. In particular, the Final EIR should provide more specificity

regarding the volume of stormwater that will be recharged on site and the design of the infiltration systems.

The ENF encouraged the proponent to explore sustainable design alternatives, such as Low Impact Development (LID) techniques in site design and stormwater management plans and comment letters urge further consideration of these techniques. I strongly encourage the proponent to reconsider how additional LID techniques can be incorporated into the design of this project, including the use of pervious pavement to facilitate groundwater recharge.

The Final EIR should provide updates on consultations with NHESP and identify any change in mitigation, including the development of measures to protect habitat during construction and upon completion of the project.

Water Use and Wastewater

The Final EIR should provide additional information regarding water use and water conservation to respond to concerns raised, including how actual water use will compare with the target of 65 gallons per capita for medium stress basins, such as the Charles River. In addition, the Final EIR should include a plan that clearly identifies the design and location of water and wastewater infrastructure, including pipes and pumphouses.

As noted previously, MassDEP has expressed strong concern with the amount of I/I mitigation proposed by in the Draft EIR. The proponent should consult with MassDEP and the Town of Natick prior to filing the Final EIR to discuss how it can increase I/I removal to meet a target of 4:1 I/I removal (or 248,160 gpd).

Construction

The Draft EIR did not indicate whether the proponent will participate in the MassDEP Clean Air Construction Initiative (CACI) to reduce construction period air quality impacts through retrofitting construction equipment with particulate filters and oxidation catalysts and/or use of on-road low sulfur diesel (LSD) fuel. I encourage the proponent to consider participation in this program.

Mitigation

The Draft EIR includes a specific commitment to implement the following mitigation measures:

- placement of a conservation restriction on approximately 16 acres of the site;
- \$10,200 contribution to NHEPS for off-site protection of Four toed salamander
- revegetation plan for disturbed upland habitat areas;
- installation of signage to protect rare species habitat;
- use of open bottom culverts in wetlands crossings;

- wetlands replication on a 2:1 ratio;
- reduction in roadway width from 26 feet to 24 feet;
- use of retaining walls to minimize wetlands impacts;
- construction and maintenance of a stormwater management system consistent with DEP Stormwater Guidance;
- contribution to Town I/I fund for removal of 94,000 gpd;
- relining of off-site asbestos cement pipes;
- construction of sidewalks throughout the development; and
- construction of a crosswalk with a pedestrian activated signal at South Main Street.

The Final EIR should include an updated section on mitigation measures. It should include revised Draft Section 61 Findings for all state permits that include a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation, and the identification of the parties responsible for implementing the mitigation.

Response to Comments

The Final EIR should contain a copy of this Certificate and a copy of each comment received. The Final EIR should respond to the comments received, to the extent that the comments are within MEPA subject matter jurisdiction. The Final EIR should include a direct narrative response to the concerns raised as well as technical analysis necessary to respond.

Circulation

The Final EIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should be sent to any state agencies from which the proponent will seek permits or approvals, to the list of "comments received" below, and to Natick and Sherborn officials. A copy of the Final EIR should be made available for review at the Natick and Sherborn Public Library.

December 3, 2007

Date



Ian A. Bowles

Comments Received:

11/26/07	Department of Environmental Protection(MassDEP)/Northeast Regional Office (NERO)
11/26/07	Department of Fish and Game/Natural Heritage and Endangered Species Program (NHESP)
11/26/07	Charles River Watershed Association
11/26/07	Jacqueline Boucher
11/27/07	Candy Hulton

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