

ENF Environmental Notification Form

<i>For Office Use Only</i> <i>Executive Office of Environmental Affairs</i>	
EOEA No.:	<u>13711</u>
MEPA Analyst:	<u>Deidre Buckley</u>
Phone:	617-626- <u>1044</u>

The information requested on this form must be completed to begin MEPA Review in accordance with the provisions of the Massachusetts Environmental Policy Act, 301 CMR 11.00.

Project Name: Proposed Retail Pharmacy		
Street: 104 West Street		
Municipality: Ware, MA	Watershed: Chicopee	
Universal Transverse Mercator Coordinates: Zone 42, 4682003 N, 726997 E	Latitude: 42d 15' 26" Longitude: -72d 14' 53"	
Estimated commencement date: April 2006	Estimated completion date: April 2007	
Approximate cost: \$2,000,000	Status of project design: 90	%complete
Proponent: G. B. New England 2, LLC		
Street: 185 Broadway		
Municipality: Providence	State: RI	Zip Code: 02903
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Felipe Schwarz		
Firm/Agency: Vanasse Hangen Brustlin, Inc.	Street: 101 Walnut Street	
Municipality: Watertown	State: MA	Zip Code: 02471
Phone: 617 924-1770	Fax: 617 924-2286	E-mail: fschwarz@vhb.com

Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)? Yes No
 Has this project been filed with MEPA before? Yes (EOEA No. _____) No
 Has any project on this site been filed with MEPA before? Yes (EOEA No. _____) No

Is this an Expanded ENF (see 301 CMR 11.05(7)) requesting:
 a Single EIR? (see 301 CMR 11.06(8)) Yes No
 a Special Review Procedure? (see 301CMR 11.09) Yes No
 a Waiver of mandatory EIR? (see 301 CMR 11.11) Yes No
 a Phase I Waiver? (see 301 CMR 11.11) Yes No

Identify any financial assistance or land transfer from an agency of the Commonwealth, including the agency name and the amount of funding or land area (in acres): N/A

Are you requesting coordinated review with any other federal, state, regional, or local agency?
 Yes (Specify _____) No

List Local or Federal Permits and Approvals: Town of Ware Conservation Commission, Order of Conditions; Town of Ware Planning Board Special Permit, and Site Plan Approval

Which ENF or EIR review threshold(s) does the project meet or exceed (see 301 CMR 11.03):

- | | | |
|---------------------------------|---------------------------------------|--|
| <input type="checkbox"/> Land | <input type="checkbox"/> Rare Species | <input checked="" type="checkbox"/> Wetlands, Waterways, & Tidelands |
| <input type="checkbox"/> Water | <input type="checkbox"/> Wastewater | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Air | <input type="checkbox"/> Solid & Hazardous Waste |
| <input type="checkbox"/> ACEC | <input type="checkbox"/> Regulations | <input type="checkbox"/> Historical & Archaeological Resources |

Summary of Project Size & Environmental Impacts	Existing	Change	Total	State Permits & Approvals
LAND				<input checked="" type="checkbox"/> Order of Conditions <input type="checkbox"/> Superseding Order of Conditions <input type="checkbox"/> Chapter 91 License <input type="checkbox"/> 401 Water Quality Certification <input type="checkbox"/> MHD or MDC Access Permit <input type="checkbox"/> Water Management Act Permit <input type="checkbox"/> New Source Approval <input type="checkbox"/> DEP or MWRA Sewer Connection/ Extension Permit <input type="checkbox"/> Other Permits (including Legislative Approvals) – Specify:
Total site acreage	6.7 Acres			
New acres of land altered				
Acres of impervious area	0.46	+0.90	1.36	
Square feet of new bordering vegetated wetlands alteration		0		
Square feet of new other wetland alteration		+5.90		
Acres of new non-water dependent use of tidelands or waterways		n/a		
STRUCTURES				
Gross square footage	0	+12,900 sf	12,900 sf	
Number of housing units	n/a	n/a	n/a	
Maximum height (in feet)	0	+30	30	
TRANSPORTATION				
Vehicle trips per day	284	+854	1138	
Parking spaces	0	+67	67	
WATER / WASTEWATER				
Gallons/day (GPD) of water use	0	+645	645	
GPD water withdrawal	0	0	0	
GPD wastewater generation/ treatment	0	+645	645	
Length of water/sewer mains (in miles)	0	0	0	

CONSERVATION LAND: Will the project involve the conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97?

- Yes (Specify _____) No

Will it involve the release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction?

- Yes (Specify _____) No

RARE SPECIES: Does the project site include Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities?

Yes (Specify: According to the NHESP Program, the Project will occur near the actual habitat of Creeper Mussel, Triangle Floater Mussel and Brook/Floater Swollen Wedge Mussel) No

HISTORICAL /ARCHAEOLOGICAL RESOURCES: Does the project site include any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

Yes (Specify _____) No

If yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources?

Yes (Specify _____) No

AREAS OF CRITICAL ENVIRONMENTAL CONCERN: Is the project in or adjacent to an Area of Critical Environmental Concern?

Yes (Specify _____) No

PROJECT DESCRIPTION: The project description should include (a) a description of the project site, (b) a description of both on-site and off-site alternatives and the impacts associated with each alternative, and (c) potential on-site and off-site mitigation measures for each alternative (You may attach one additional page, if necessary.)

G.B. New England 2, LLC, (“the Proponent”), is proposing to construct a 12,900± square foot retail/pharmacy with associated parking and drives, (the “Project”) on a 6.67– acre site located at 104 West Street in Ware, Massachusetts (the “project site”, see Figure 1). The project site is located on the south side of West Street (Route 32) near the intersection with Vernon Street with the Ware River forming the southern property boundary. Auto sales / service buildings abut the Site to the east and a residential dwelling abuts to the west. The project site is located in a flood plain overlay district and a water supply protection district. The project site is currently zoned HC – Highway Commercial. Property across the Ware River is zoned as Rural Residential 4 District.

The project site is presently undeveloped. A small paved and gravel parking area, approximately 0.5 acres in size, is at the northern portion of the project site along West Street. The remainder of the project site consists of open meadow with relatively sparse vegetative growth along with a relatively narrow fringe of forest located on a berm adjacent to the Ware River (see Figure 2). Near the edge of the Ware River, separated by the berm, there is a shallow swale (identified as an isolated wetland) that collects and briefly ponds surface water runoff. The entire project area has been subject to historic land clearing and grading operations associated with various disturbances including construction of a municipal soccer field.

The Project consists of an approximately 12,900 sf retail pharmacy building, 67 parking spaces and associated driveway aisles and one loading dock (see Figure 3). The Project is consistent with the current zoning district, HC – Highway Commercial district, and with adjacent commercial land uses along Route 32, a commercial corridor within the town. The Project involves alteration of (placing of fill in) more than ½-acre of flood plain and, therefore, the requirement for filing an ENF is based on a flood plain being covered under the “any other wetlands” terminology of the above-cited MEPA review threshold. The Proponent has informally consulted with the MEPA Office regarding the applicability of the “other wetland” threshold to flood plain. Although, a flood plain in itself is not considered a “wetland,” it is a regulated resource under the Wetlands Protection Act (WPA) and it performs some of the regulatory defined functions of a wetland.

The WPA in fact includes specific regulation of activities in flood plain, primary among them being a requirement to provide compensatory flood storage volume when in the judgement of the issuing authority fill that is placed within a 100-year flood plain will cause an increase or will contribute incrementally to an increase in the horizontal extent and level of flood waters during peak flows.

The Project has been designed to conform to the performance standards contained in the WPA regulations. During deliberations with the Town of Ware Conservation Commission a determination was made by the Commission that the development will not cause and increase in the horizontal extent or level of flood waters during peak flows of the Ware River. Drainage from the proposed development will be collected and treated by a system that fully complies with the Stormwater Management Policy. In addition the project will improve water quality of stormwater currently discharging to the Ware River from a portion of West Street. A comprehensive suite of erosion and sedimentation control measures will be implemented to prevent indirect impacts to the wetland resource areas. In order to properly compensate for impacts to resource areas as a result of necessary compensatory flood storage, a comprehensive restoration plan to reforest the Riverfront Area and buffer zone currently void of significant vegetation is proposed as part of this application.

Site development alternatives were investigated to minimize the Project's potential impacts related to wetland resources and stormwater runoff. The No-Build Alternative was considered non-viable and therefore dismissed as an option for the subject parcel. The Project requires an Access Permit from the Massachusetts Highway Department and an Order of Conditions from the Ware Conservation Commission. The impact thresholds for an ENF filing which are triggered by the Project are associated with wetlands only.

The project site has had a history of development activity in the past. In the 1980's, a DEP Enforcement Order was issued for unauthorized fill and subsequently the previous property corrected the site conditions. Plans were submitted and a Certificate of Compliance was issued by the Ware Conservation Commission in 2005. In 2002, a similar retail development was proposed and received Planning Board approval and an Order of Conditions from the Ware Conservation Commission in December 2002. Through an appeal, the DEP issued a Denial Superseding Order of Conditions on January 13, 2005 due to failure to submit requested materials to DEP. The Project has undergone review by the Ware Conservation Commission, and was issued an Order of Conditions approving the project on December 20, 2005.