

ENF Environmental Notification Form

For Office Use Only
Executive Office of Environmental Affairs
EOEA No.: 13243
MEPA Analyst: Arthur Pugsley
Phone: 617-626-1029

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: Nicholas Common		
Street :Webb Brook Road		
Municipality: Billerica	Watershed: Merrimack	
Universal Transverse Mercator Coordinates: 4,712,645.287, 315,457.503 meters	Latitude: 42-32-39N	Longitude: 071-14-51W
Estimated commencement date: 6/04	Estimated completion date: 6/06	
Approximate cost: \$6,000,000	Status of project design: 100	%complete
Proponent: P&D Realty Trust and Webb Brook Realty Trust		
Street: 1830 Main Street		
Municipality: Tewksbury	State: MA	Zip Code: 01876
Name of Contact Person From Whom Copies of this ENF May Be Obtained: John L. Noonan		
Firm/Agency: Noonan & McDowell, Inc.	Street: 25 Bridge Street, Suite 6	
Municipality: Billerica	State: MA	Zip Code:01821-1023
Phone: 978-667-9736	Fax: 978-671-9565	E-mail: nm@conversent.net

- 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):

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

List Local or Federal Permits and Approvals: Conservation Commission, Planning Board, Board of Health and USACOE 404

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 checked="" 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 checked="" type="checkbox"/> DEP or MWRA Sewer Connection/Extension Permit <input checked="" type="checkbox"/> Other Permits <i>(including Legislative Approvals) – Specify:</i> USACOE 404
Total site acreage	21.41			
New acres of land altered		10.79		
Acres of impervious area	0	4.13	4.13	
Square feet of new bordering vegetated wetlands alteration		0		
Square feet of new other wetland alteration		52,931+/-		
Acres of new non-water dependent use of tidelands or waterways		0		
STRUCTURES				
Gross square footage	0	117,000	117,000	
Number of housing units	0	57	57	
Maximum height (in feet)	NA	30	30	
TRANSPORTATION				
Vehicle trips per day	0	402	402	
Parking spaces	0	114	114	
WATER/WASTEWATER				
Gallons/day (GPD) of water use	0	12,540	12,540	
GPD water withdrawal	NA	NA	NA	
GPD wastewater generation/treatment	0	12,540	12,540	
Length of water/sewer mains (in miles)	0	0.40	0.40	

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 _____) 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.*)

(a) It is proposed to re-develop an existing 21.41+/- acre parcel. Currently 8.5 +/- acres have been cleared, borrowed and filled from past owner activities. This portion is currently used as a contractors yard. There is an isolated wetland at the north part of the property, which is in a degraded state. This is due to evasive plant species, past earth activities within this area and a natural gas transmission line, which runs through the wetland area. There is also Bordering Wetland at the southern part of the property. This wetland borders on Webb Brook. The southern area also has a 9+/- acre forested area, which will remain protected and undeveloped. The proposed development of 57 elderly dwelling units will be located within previously disturbed upland area and a portion of isolated wetland, full mitigation for the isolated wetland loss will be provided and the remaining isolated wetland will receive enhancement planting and control measures for evasive plants.

(b) A site assessment was done pertaining to the Billerica Wetland Bylaw requirements. Based on this, it was determined that the site has been significantly altered in the past and presently provides little value in most of the interests listed in the Wetlands Protection Act. The proposed activities on site will not have an adverse impact to the wetlands, but rather improve the wetland resource areas. The existing conditions present more of adverse impact due to the instability of the soil, derelict use by off-road motor vehicles, degraded nature of the buffer and riverfront areas, and the established invasive non-native plant community. The project proposes 1:1 wetland replication and well as enhancement to the existing isolated wetland.

The alteration proposed is to an area determined to be an isolated wetland under the Billerica Wetlands Bylaw and the Federal Wetlands Protection Act. The wetland area has been repeatedly altered and will continued to be so because of the Tennessee Gas Line that passes through. Regular maintenance of that easement is expected.

The southerly area has upland areas that could be developed. It is an undisturbed area that is wooded and provides significant wildlife values in it existing state. It is better to improve the degraded isolated wetland than remove the existing mature forested area.

(c) The final plan, which has now been approved by both the Conservation Commission and the Planning Board, was changed during the process of review by the boards to reduce the amount of filling to occur in the isolated wetland. The plan was also changed to address the concerns of the abutters by removing the proposed development of the undisturbed land on the east side of the parcel. A portion of this area will instead be used for wetland replication. Furthermore, a Conservation Restriction will be placed on Webb Brook and its associated wetland and upland forest.