

**Commonwealth of Massachusetts  
Executive Office of Energy and Environmental Affairs  
Massachusetts Environmental Policy Act (MEPA) Office**

**Environmental Notification Form**

*For Office Use Only*

EEA#: 15995

MEPA Analyst: Pooji Patel

*The information requested on this form must be completed in order to submit a document electronically for review under the Massachusetts Environmental Policy Act, 301 CMR 11.00.*

Project Name: <b>Tall Timbers Estates (Phase V)</b>		
Street Address: <b>28 &amp; 34 South Street</b>		
Municipality: <b>Kingston</b>	Watershed: <b>South Coastal Shore</b>	
Universal Transverse Mercator Coordinates: <b>N 2817485 E 858411 (NAD88)</b>	Latitude: <b>N41° 58' 52"</b> Longitude: <b>W70° 45' 27"</b>	
Estimated commencement date: <b>Spring 2018</b>	Estimated completion date: <b>2020</b>	
Project Type: <b>Residential</b>	Status of project design: <b>80% complete</b>	
Proponent: <b>34 South Street, LLC</b>		
Street Address: <b>3 Marion Drive</b>		
Municipality: <b>Carver</b>	State: <b>MA</b>	Zip Code: <b>02330</b>
Name of Contact Person: <b>Bradley C. McKenzie, P.E.</b>		
Firm/Agency: <b>McKenzie Engineering Group</b>	Street Address: <b>150 Longwater Drive</b>	
Municipality: <b>Norwell</b>	State: <b>MA</b>	Zip Code: <b>02061</b>
Phone: <b>781-792-3900</b>	Fax: <b>781-792-0333</b>	E-mail: <b>bmckenzie@mckeng.com</b>

  

Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)?  
 Yes  No

If this is an Expanded Environmental Notification Form (ENF) (see 301 CMR 11.05(7)) or a Notice of Project Change (NPC), are you requesting:

a Single EIR? (see 301 CMR 11.06(8))	<input type="checkbox"/> Yes	<input type="checkbox"/> No
a Special Review Procedure? (see 301 CMR 11.09)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
a Waiver of mandatory EIR? (see 301 CMR 11.11)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
a Phase I Waiver? (see 301 CMR 11.11)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

*(Note: Greenhouse Gas Emissions analysis must be included in the Expanded ENF.)*

Which MEPA review threshold(s) does the project meet or exceed (see 301 CMR 11.03)?  
**(2)(b) 2. State-Listed Species under M.G.L. c. 131A**

Which State Agency Permits will the project require?  
**NHESP Conservation Management Permit (Amendment of CMP Permit for Phase IV obtained on 7/9/14)**

12/11/21  
12/11/21

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:

Summary of Project Size & Environmental Impacts	Existing	Change	Total
<b>LAND</b>			
Total site acreage	28.06 AC		
New acres of land altered		12.03 AC	
Acres of impervious area	0.33 AC	3.71 AC	4.04 AC
Square feet of new bordering vegetated wetlands alteration		0 SF	
Square feet of new other wetland alteration		0 SF	
Acres of new non-water dependent use of tidelands or waterways		0 SF	
<b>STRUCTURES</b>			
Gross square footage	3,389	74,131	77,520
Number of housing units	2	32	34
Maximum height (feet)	35	0	35
<b>TRANSPORTATION</b>			
Vehicle trips per day	20	320	340
Parking spaces	10	126	136
<b>WASTEWATER</b>			
Water Use (Gallons per day)	660	11,440	12,100
Water withdrawal (GPD)			
Wastewater generation/treatment (GPD)	660	11,440	12,100
Length of water mains (miles)	0.36	0.05	0.41
Length of sewer mains (miles)	0	0	0
Has this project been filed with MEPA before? <input type="checkbox"/> Yes (EEA # _____) <input checked="" type="checkbox"/> No			
Has any project on this site been filed with MEPA before? <input type="checkbox"/> Yes (EEA # _____) <input checked="" type="checkbox"/> No			

## **GENERAL PROJECT INFORMATION – all proponents must fill out this section**

### **PROJECT DESCRIPTION:**

#### **Describe the existing conditions and land uses on the project site:**

*The project site has frontage on South Street and consists of approximately 28.06 acres. It is shown on Assessors' Map 62 as Lots 14 and 14-1. The site is bounded by South Street to the southeast, developed residential property to the north and west and undeveloped residential zoned property to the south.*

*The property is located within the Residential 80 Zoning District and the Water Resource Overlay District and consists of wooded upland interlaced with a series of trails. The site is located within Zone X, Area of Minimal Flooding as shown on FEMA Flood Insurance Rate Map Panel No. 25023C0332J with an effective date of July 17, 2012. The entirety of the site is located in an Estimated Habitat of Rare Wildlife and extents of suitable and unsuitable habits have been confirmed by a wildlife biologist. On the southern portion a single-family home with a gravel drive currently exists. The topography ranges from approximate elevation 127 ft. (NAVD) near the center of the site to approximate elevation 83 ft. (NAVD) near the eastern portion of the site. The southeastern portion of the property slopes towards South Street, the northern portion slopes primarily towards the surrounding wooded areas to the north and west and the southwest portion slopes offsite towards the west. The soil types as identified by Soil Survey, Plymouth County, MA prepared by the NRCS Soil Conservation Service (SCS) are classified as Hinckley, Massasoit-Mashpee, and Carver. The soils range in hydrological soil group classifications from 'A' to 'C'.*

*South Street is a public way and runs from its intersection with Elm Street (Route 80) in a northerly direction to Wapping Road (Route 106). The roadway is approximately 24 ft. wide in the vicinity of the project with two travel lanes, bituminous curbing and no sidewalks. The proposed access drive on South Street is located approximately 1,500 ft north of the intersection of South Street and Elm Street and approximately 4,200 ft. south of the intersection of South Street and Wapping Road.*

#### **Describe the proposed project and its programmatic and physical elements:**

*NOTE: The project description should summarize both the project's direct and indirect impacts (including construction period impacts) in terms of their magnitude, geographic extent, duration and frequency, and reversibility, as applicable. It should also discuss the infrastructure requirements of the project and the capacity of the municipal and/or regional infrastructure to sustain these requirements into the future.*

*Tall Timbers Phase V is proposed as a 34 lot development comprised of single family homes to be permitted in accordance with Massachusetts General Law MGL Ch. 40B § 20-23. Twenty-five (25) percent of the units will be designated as affordable units that will be dispersed throughout the development. The project consists of the construction of a roadway totaling approximately 1,070 linear feet to provide access to the single-family home lots. The lots proposed under this development range in size from 13,367 s.f. to 23,766 s.f. with an average lot size of 16,813 s.f. The lot frontage ranges from approximately 322 feet to 26 feet with an average of approximately 96 feet. A 20 foot no disturb buffer is proposed along the northwestern and western boundaries of the property. In addition, approximately 11.29 acres have been designated as open space.*

*The project will access utility infrastructure located on South Street including electric, telephone and cable television. The lots will be served by individual subsurface sewage disposal systems and connections to the municipal water system which will extend from South Street to Fountain Knoll Lane. All stormwater management facilities will be designed to mitigate peak rates of runoff, provide renovation of stormwater and meet the requirements of the DEP's Stormwater Management Regulations.*

### **Water Supply and Wastewater**

*Wastewater generated from the lots will be directed to individual subsurface sewage disposal systems. The systems will be designed to fully comply with the requirements of Title 5 (310 CMR 15.00). Soils information obtained from the Soils Conservation Service (SCS) Survey of Plymouth County, Massachusetts indicated the presence of extremely permeable, well-drained soils that will be suitable to accommodate the proposed septic systems. Preliminary soil testing conducted throughout the site corroborated the SCS Survey and confirmed the presence of permeable soils suitable for on-site disposal of sewage as well as for disposal of stormwater.*

*Water supply for domestic use and fire protection for the project will be provided by connections to the existing municipal system which extends through the project site from South Street to Fountain Knoll Lane. Information obtained from Phase IV Tall Timbers indicates that both the volume and pressure of water in the municipal system is adequate to support the development.*

### **Wetlands**

*The boundaries of the wetland resource areas have been approved by the Kingston Conservation Commission under an Order of Resource Area Delineation (ORAD). A Bordering Vegetated Wetlands (BVW) system is located within the southern portion of the site and extends off site. This vegetated wetland was delineated following the methodology established by the Massachusetts Department of Environmental Protection (DEP) regulations found at 310 CMR 10.55 pertaining to the delineation of Bordering Vegetated Wetlands. The delineation was performed by analyzing vegetation, hydrology within 12 inches of the surface, and soil conditions within 20 inches of the surface. The vegetated wetland contains hydric soils, saturated soils, and dominant wetland indicator plants such as Red Maple (*Acer rubrum*), Sweet Pepperbush (*Clethra alnifolia*), Highbush Blueberry (*Vaccinium corymbosum*), Poison Ivy (*Toxicodendron radicans*), Swamp Tupelo (*Nyssa sylvatica*), etc. The project was designed to avoid impacts to wetland resource areas. The proposed roadways and related infrastructure was designed to not require any alteration of wetlands and to maximize the buffer between the limit of work and the wetland resource areas. An erosion control barrier consisting of double-staked haybales and/or siltation fencing is proposed to be installed between work areas and wetland resources in order to prevent sedimentation due to erosion within cleared work areas.*

### **Stormwater Management**

*Although exempt from the DEP Stormwater Management Regulations, the proposed stormwater management features will be designed to fully comply with the Department of Environmental Protection Stormwater Management Regulations (SMR). Stormwater runoff from new impervious surfaces will be managed to be in full compliance with all standards of the SMR. There will be no increase in peak rates of runoff at downgradient wetlands and properties as a result of project development. In addition, a minimum of 80% of total suspended solids will be removed from stormwater runoff prior to discharge into wetland resources as required under the SMP. Construction phase and post-construction phase BMP Operation and Maintenance Plans will be provided to comply with the requirements of the SMP.*

### **Transportation**

*A Traffic Impact Assessment prepared by Green International Affiliates, Inc. concluded that traffic generated by the project would have a negligible impact on traffic operations on South Street and adjacent intersections. The report states that adequate site distances will be provided that meet AASHTO standards and that new trips can be accommodated without any significant effect on local traffic conditions. The report states that the project will not affect the level of service at the adjacent intersections.*

## Rare Species

*A Conservation Management Permit (CMP) under the Massachusetts Endangered Species Act (MESA)(M.G.L. Ch. 131A) and its implementing Regulations (321 CMR 10.00) was required for Phase IV of Tall Timbers Estates as the project involved alteration of Priority Habitat for the Eastern Box Turtle as determined by the Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries & Wildlife. NHESP determined that a species of "Special Concern", the eastern box turtle (*Terrapene carolina*) was documented in the vicinity of the proposed project and that the project would result in a "take" of the species under MESA and its Regulations. At this time NHESP recommended a habitat assessment and field surveys of suitable upland/wetland habitats be conducted for the project site. The project proponent contracted with Hyla Ecological Services, Inc. (HES) of Concord, Massachusetts to complete the requested habitat assessment and field survey. HES submitted a proposed survey protocol to NHESP on April 22, 2005 with detailed of all proposed survey methodologies. The survey protocol was approved and HES completed the survey and habitat assessment during the spring and summer of 2005. Based on the findings of the report, the project proponent, entered into discussions with the NHESP to determine an appropriate layout of the project. A CMP was eventually issued by NHESP on July 9, 2014.*

*The project area for Phase V Tall Timbers Estates is located within a Priority Habitat for the Eastern Box Turtle. An Amendment to the Phase IV CMP was issued by NHESP on June 23, 2016 to allow the construction and maintenance of a 12 inch water main through the site from South Street to the terminus of Fountain Knoll Lane in Phase IV. The proponent has had substantive discussions with NHESP regarding the layout of the Phase V project and the proposed mitigation. NHESP has indicated that the project will result in a "take" of the species and that the proponent could amend the current CMP issued by NHESP for Phase IV. A conditional approval for this Amendment was recently issued by NHESP which outlined the required mitigation measures. Refer to Attachment B for this information.*

**Describe the on-site project alternatives (and alternative off-site locations, if applicable), considered by the proponent, including at least one feasible alternative that is allowed under current zoning, and the reasons(s) that they were not selected as the preferred alternative:**

**NOTE:** *The purpose of the alternatives analysis is to consider what effect changing the parameters and/or siting of a project, or components thereof, will have on the environment, keeping in mind that the objective of the MEPA review process is to avoid or minimize damage to the environment to the greatest extent feasible. Examples of alternative projects include alternative site locations, alternative site uses, and alternative site configurations.*

*The only permitted residential use within the Residential 80 Zoning District under the Kingston Zoning By-Law is a conventional single-family residential subdivision with one (1) dwelling per lot. The dimensional requirements are a minimum lot area of 80,000 s.f. with 200 ft. of frontage. A variance required to facilitate a cluster-type residential development with smaller lots and common open space proposed under the Town's Planned Residential Development Encouraging Open Space (RDEOS) By-law was rejected by the Zoning Board of Appeals. The devolvement of the parcels as 80,000 s.f. single family lots is not feasible as the performance standards imposed by NHESP for alteration of suitable habitat for Eastern Box Turtle mandate that approximately 60% of the site be retained as undeveloped open space.*

*realize*

**Summarize the mitigation measures proposed to offset the impacts of the preferred alternative:**

*The project has been designed to minimize impacts to sensitive resources. There is no work proposed within 100 feet of the bordering vegetated wetland located in the southwest portion of the site. Although exempt from the DEP Stormwater Management Regulations, the proposed stormwater management features will be designed to fully comply with the Department of Environmental Protection Stormwater Management*

*Regulations (SMR). Stormwater runoff from new impervious surfaces will be managed to be in full compliance with all standards of the SMR. There will be no increase in peak rates of runoff at downgradient wetlands and properties as a result of project development. In addition, a minimum of 80% of total suspended solids will be removed from stormwater runoff prior to discharge into wetland resources as required under the SMP. Construction phase and post-construction phase BMP Operation and Maintenance Plans will be provided to comply with the requirements of the SMP. Erosion control measures are proposed at the limit of work to minimize the potential for adverse impacts to wetland resources. The project will also provide for new sidewalks within the development and on walking trails to adjacent developments to encourage pedestrian/bicycle use.*

*The project area for Phase V Tall Timbers Estates is also located within a Priority Habitat for the Eastern Box Turtle. An Amendment to the Phase IV CMP was issued by NHESP on June 23, 2016 to allow the construction and maintenance of a 12 inch water main through the site from South Street to the terminus of Fountain Knoll Lane in Phase IV. The proponent has had substantive discussions with NHESP regarding the layout of the Phase V project and the proposed mitigation. NHESP has indicated that the project will result in a "take" of the species and that the proponent could amend the current CMP issued by NHESP for Phase IV. A conditional approval for this Amendment was recently issued by NHESP which outlined the required mitigation measures. The balance of the land required for mitigation will be provided offsite. Refer to Attachment B for NHESP conditions for an Amendment to the CMP.*

*Air quality impacts during construction will be short term and limited primarily to fugitive dust from excavation and grading activities. Preventative measures include use of wetting agents, tarpaulin covered trucks transporting any soil, and street sweeping upon installation of pavement. Trucks and other construction equipment used on site will meet federal and state emissions standards. Construction activities will be limited to normal working hours to reduce noise impacts to adjacent properties. All construction and demolition debris will be hauled off-site by licensed haulers and disposed of legally in accordance with all local and state regulations.*

**If the project is proposed to be constructed in phases, please describe each phase:**

The project is not proposed to be constructed in phases.

**AREAS OF CRITICAL ENVIRONMENTAL CONCERN:**

Is the project within or adjacent to an Area of Critical Environmental Concern?

Yes (Specify \_\_\_\_\_)  
 No

If yes, does the ACEC have an approved Resource Management Plan? \_\_\_ Yes \_\_\_ No;  
If yes, describe how the project complies with this plan.

Will there be stormwater runoff or discharge to the designated ACEC? \_\_\_ Yes \_\_\_ No;

If yes, describe and assess the potential impacts of such stormwater runoff/discharge to the designated ACEC.

**RARE SPECIES:**

Does the project site include Estimated and/or Priority Habitat of State-Listed Rare Species? (see [http://www.mass.gov/dfwele/dfw/nhESP/regulatory\\_review/priority\\_habitat/priority\\_habitat\\_home.htm](http://www.mass.gov/dfwele/dfw/nhESP/regulatory_review/priority_habitat/priority_habitat_home.htm))

Yes (Specify Eastern Box Turtle )  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