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APRIL 20, 2007

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

PROJECT NAME : West Newbury Active Adult Project
PROJECT MUNICIPALITY : West Newbury
PROJECT WATERSHED : Merrimack
EOEA NUMBER : 13996
PROJECT PROPONENT : Hawthorne West Newbury, LLC
DATE NOTICED IN MONITOR : March 21, 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 66 age-restricted (over 55 yr) residential town-house condominium units in 27 separate buildings, 137 surface parking spaces (132 resident spaces, 5 clubhouse), a 2,000 sf clubhouse with kitchen and lavatory facilities, approximately 4,400 linear feet (lf) of roadway, and three stormwater detention basins on a 26.1-acre parcel of property located between Meeting House Hill Road and Main Street in West Newbury. The project's estimated water supply demand (9,900 gallons per day (gpd)) will be served by the Town of West Newbury's public water supply system. The proponent proposes to construct a private shared on-site wastewater treatment and disposal system in accordance with Massachusetts Title 5 regulations to manage the project's estimated (9,900 gpd) wastewater flows. Approximately 10 percent of the apartment units (seven units total) will be affordable and available for purchase by persons who meet the HUD Affordability Requirement. The project's site drive will be located on Main Street at the southwestern corner of the project site.



The project is undergoing review pursuant to Sections 11.03 (1)(b)(2) of the MEPA regulations, because it will result in the creation of five or more acres (approximately 6.2 acres) of impervious surface area. The project will require a Water Quality Certificate from the Department of Environmental Protection (MassDEP). The project will also require Orders of Conditions from the West Newbury Conservation Commission (and hence Superseding Order(s) from MassDEP if any local Orders are appealed). The project will require a Direct Access Permit from the Massachusetts Highway (MassHighway) for the location of the project site drive on Main Street (Route 113). The project may also require a 401 Water Quality Certification from MassDEP. The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over one acre.

I remind the proponent that 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 proposed construction of roads, houses and utilities within the project site. Blasting operations employing perchlorate-containing explosives have been identified as a possible source of contamination in Massachusetts public water supplies. According to MassDEP, to the extent practical, the use of perchlorate-containing explosive products should be avoided when surface or groundwater can be affected. The proponent must work closely with the West Newbury Fire Department and local area residents in designing and implementing any blast design plan for the project.

The proponent is not seeking financial assistance from the Commonwealth for the project. MEPA jurisdiction therefore extends to those aspects of the project that are within the subject matter of required or potentially required state permits and that have the potential to produce significant Damage to the Environment. In this case, MEPA jurisdiction extends to issues of land alteration, wetlands, water quality, and wastewater.

Wetlands

According to the information provided in the ENF, and statements made by the proponent during the MEPA site visit held for this project on March 27, 2007, the project will alter approximately 550 sf of bordering vegetated wetlands (BVW) for a proposed site drive crossing located at the north end of the project site. The project will also result in the alteration of approximately 4.13 acres of the 100-foot wetland buffer zone, and will include grading, roadway construction, residential buildings, and stormwater management infrastructure. The project is being proposed under the Town of West Newbury's Open Space Preservation Development Bylaw, and will result in the permanent protection of approximately 15 acres (57%) of the project site as open space. The proponent must provide the West Newbury Conservation Commission and MassDEP with additional information to characterize and manage the wetland resource areas located within and adjacent to the project site in a manner consistent with the Massachusetts Wetlands Protection Act, and the Town of West Newbury's Wetland Bylaw. I ask that the proponent continue to work closely with the West Newbury Planning Department and the Conservation Commission to avoid, to the maximum extent practicable, direct and/or indirect impacts to any wetland resources areas located within and adjacent to the project site.

Stormwater

The proponent's stormwater management plan incorporates both structural and non-structural best management practices (BMPs) consistent with MassDEP's Stormwater Management Act Guidelines, the Wetlands Protection Act performance standards, and Town of West Newbury Stormwater Management rules and regulations. According to the information contained in the ENF submittal, and provided by the proponent during the MEPA site visit, stormwater flows from within the project site will be collected through catch basins and bioretention swales located throughout the entire project site and conveyed to three stormwater detention/infiltration basins and subsequently discharged to BVW abutting the project site's western boundary. In their comments, MassDEP has indicated that the stormwater management plan may need to be designed in conformance with MassDEP's Stormwater Management Policy's Critical Area Standard # 6 if drainage from the project site has been designed to drain towards an existing vernal pool located immediately northeast of the project site near the site driveway entrance.

I note that according to the comments made during the MEPA on-site consultation session held for this project, portions of the project site and private property abutting the northeast project site boundary, are impacted by stormwater flooding events. The stormwater management plan for this project could play a critical role in helping to alleviate the ongoing stormwater flooding events affecting the project area. I ask that the proponent work closely with the Town of West Newbury and abutting property owners to identify opportunities to address project area stormwater management issues during final project design and construction.

I encourage the proponent to continue to identify opportunities to further reduce the project's impervious surface areas, including a reduction in the total number of surface parking spaces proposed for the project, and/or the construction of visitor parking spaces using pervious materials. 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/>.

Wastewater

The proponent has proposed to construct a private on-site pressure septic system for the project's common wastewater flows (9,900 gpd) in accordance with Massachusetts Title 5 regulations.

As currently designed, a primary leaching field designed to serve the common Title 5 system has been located in the southeastern portion of the project site. According to MassDEP, recent revisions to Title 5 regulations restrict design wastewater flows for housing for the elderly to 150 gpd for one and two bedroom units. Design flows for units with more than 2 bedrooms will need to be calculated on a 110 gpd/bedroom. In the event the proposed residential development project includes 3 bedroom units and the resultant design flows exceed 10,000 gpd, the project may require a groundwater discharge permit from MassDEP.

Traffic

In their comments, MassHighway has indicated that the project is not expected to have a significant impact on traffic in the project area. The proponent is preparing a Traffic Impact and Access Study in compliance with the Town of West Newbury's project review guidelines. The proponent should forward a copy of the Traffic Impact and Access Study to the MEPA Office for the project file. The MassHighway has requested that the proponent consult with the MassHighway District 4 Office to review project access designs, and to explore opportunities for providing Transportation Demand Management (TDM) measures to reduce the project's traffic impacts including; offering alternative modes of travel, on-site posting of transit information and schedules for the Merrimack Valley Transit Authority bus route, the Newbury Park and Ride Lot, and the Haverhill Park and Ride Lot. I strongly encourage the proponent to work closely with the Town of West Newbury to identify opportunities to include the construction of sidewalks within the project site and along the south side of Main Street to enhance pedestrian access within the project site, and to existing and planned public trails, open space, commercial development and municipal government offices located in the project area.

Agricultural Land

According to the information contained in the ENF submittal and comments received during the MEPA consultation held for this project, the proposed project will result in the conversion of approximately 5.7 acres of prime farmland, classified as Sutton fine sandy loam, and located within the northern half of the project site abutting Main Street. This farmland has been utilized as active hay fields within the last 5 years. Agricultural land in Massachusetts is a finite natural resource that is threatened by competing land use pressure. I note that conversion to non-agricultural uses, or loss of the existing agricultural lands, including state important and USDA prime soils may be subject to the mitigation requirements of Executive Order 193.

I encourage the proponent to consult with the Department of Food and Agriculture (MassDFA) to explore appropriate mitigation opportunities for unavoidable impacts to agricultural land including; 1) a financial contribution (\$10,000. for each agricultural acre being converted) made to the Commonwealth's APR Program, municipality or non-profit conservation organization, or 2) a commitment to make available topsoil for use by an area farmer(s) selected by DAR to receive the soils for use as soil augmentation or other accepted uses, or 3) on-site mitigation involving the granting of an Agricultural Preservation Restriction (APR) to the Commonwealth for equivalent agricultural lands.

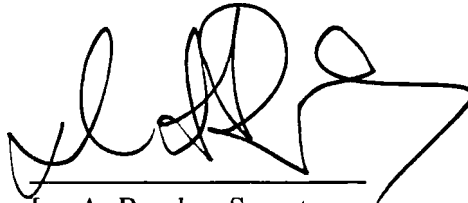
Construction Period

The proponent should analyze construction-period impacts, including temporary impacts to streams and wetlands, and the extent of any blasting and/or re-grading during construction. The proponent should consult with the Town of West Newbury, and MassDEP to ensure that the proponent will meet any performance standards associated with a federal NPDES permit for all proposed project construction activities.

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.

April 20, 2007

Date



Ian A. Bowles, Secretary

Comments received:

04/10/07 Department of Environmental Protection (MassDEP) – NERO
04/11/07 Geller DeVellis Inc.
04/12/07 Massachusetts Highway Department (MassHighway)

IAB/NCZ/ncz
EOEA #13996