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June 9, 2006

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

PROJECT NAME : Sugarloaf Hill Estates
PROJECT MUNICIPALITY : Webster
PROJECT WATERSHED : French
EOEA NUMBER : 13774
PROJECT PROPONENT : Barrett Financial Corporation
DATE NOTICED IN MONITOR : April 10, 2006

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.06 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).

The proposed project consists of eighty-eight single-family homes on an approximately 240-acre site. The project involves 7,488 square feet of bordering vegetated wetlands alteration associated with two wetlands crossings. The project involves approximately 26 acres of land alteration, which includes creation of 9.5 acres of new impervious area. According to the Environmental Notification Form (ENF), the project will generate approximately 926 new vehicle trips per day. Water use and wastewater generation are estimated at 40,150 gallons per day and the project includes construction of approximately two miles of new water and sewer mains. The project will be served by municipal water and sewer services.

The proposed project will be conducted in two phases. Phase I consists of construction of 83 houses and associated roadways (in three smaller phases, 1A, 1B and 1C) and Phase II includes an additional five houses and extension of Jefferson Road. During the ENF review, the proponent provided a revised concept plan for Phase II, which reduces the number of houses proposed (from ten to five units) and reduces Phase II roadway length from 740 to 350 linear feet. The revised project plan reduces overall impervious area from 10.09 acres (as proposed in ENF) to 9.48 acres. The proposed

project includes donation of 102 acres of land to the Division of Fisheries and Wildlife, and an additional easement of approximately 10 acres to provide access to open space and conservation areas.

The project is undergoing environmental review pursuant to Section 11.03(1)(b)(1) of the MEPA regulations because it will result in alteration of 25 or more acres of land, and pursuant to Section 11.03(1)(b)(2) because it will result in creation of five or more acres of impervious area. The project is also undergoing review pursuant to Section 11.3(3)(b)(1)(d) because it will result in alteration of 5,000 or more square feet of BVW, Section 11.3(2)(b)(2) because it will result in a "taking" of an endangered or threatened species, and Section 11.03(5)(b)(3)(c) because it involves construction of ½ mile or more of new sewer mains.

The project requires a 401 Water Quality Certification, a Sewer Connection Permit and a Water Supply Distribution System Modification Permit from the Department of Environmental Protection (DEP). The project requires an Order of Conditions from the Webster Conservation Commission (and, on appeal only, a Superseding Order from DEP). The project requires a Conservation and Management Permit from the Division of Fisheries and Wildlife (DFW), Natural Heritage and Endangered Species Program (NHESP) and a State Archaeologist's Permit for an intensive (locational) archaeological survey. The project will also require a National Pollutant Discharge Elimination System (NPDES) Construction Activities Permit from the U.S. Environmental Protection Agency (EPA).

The project does not involve financial assistance from the Commonwealth. Therefore, MEPA jurisdiction extends to those aspects of the project, within the subject matter of required state permits, with the potential to cause damage to the environment as defined in the MEPA regulations. In the case of this project, MEPA jurisdiction extends to rare species, land, stormwater and drainage, wetlands and water quality, water supply, wastewater, and historical and archaeological resources.

Water Supply

The water supply for the development will be obtained from town wells located within the French River watershed. The proponent should provide additional information to DEP, as further detailed in its comment letter, regarding the proposed water source, including documentation from the Public Water System that demonstrates adequate capacity to provide safe drinking water. As part of the DEP permit process, the next phase of project review should examine the impacts of water withdrawal on the municipal system, as well as larger impacts on any nearby rivers and the overall hydrology of the area, and analyze cumulative impacts of new water withdrawals proposed.

Wastewater

Wastewater from the proposed development will be discharged to the Webster Wastewater Treatment Facility (WWTF). The proponent should provide additional information to DEP, as further detailed in its comment letter, regarding the proposed sewer system for the project. The proponent should provide DEP with plans that show connections to the municipal system and clarify if the project will be served exclusively by gravity sanitary sewers. The additional information provided to DEP should categorize the proposed houses by number of bedrooms in each unit, and should include documentation that demonstrates sufficient municipal capacity to serve the project's wastewater flow.

Wetlands and Open Space

The project will result in alteration of 7,488 square feet (sf) of BVW alteration. The proponent has committed to create three wetlands replication areas for a total of 9,824 square feet (sf) of replication. The proponent has committed to a Deed Restriction on all house lots that include wetland resource areas (a total of 5.25. acres). The Deed Restriction will inform prospective homeowners that wetlands resources exist on these lots and that resource areas cannot be altered.

The proposed project plan includes an approximately 10-acre open space area, which will be protected under a Conservation Restriction (CR). The CR area includes an easement between two house lots on the site that will provide access to open space, and rock outcrops and cliffs in the northeast corner of the site.

Rare Species

A portion of the project site is located within Priority Habitat and Estimated Habitat of rare species. The Marbled Salamander (*Ambystoma opacum*), which is state-listed threatened species, is documented in close proximity to the site and suitable habitat for the Marbled Salamander appears to exist on-site. As further detailed in the Natural Heritage and Endangered Species Program (NHESP) comment letter, the NHESP has been in consultations with the proponent to address rare species concerns. The proponent has made project design changes to eliminate disturbance within 500 feet of suitable breeding sites and reduce impacts in the area between 500-1,000 feet from breeding sites. Project changes to avoid and minimize rare species impacts included elimination of 14 house lots within 500 feet of the breeding pools and one lot outside the 500 foot area, a reduction in lot sizes, and relocation of a proposed cul-de-sac. The proponent also investigated an alternative roadway alignment, which was determined infeasible due to the amount of cut and fill required.

As mitigation for impacts to rare species habitat, the proponent is donating 102 acres of land in the northeastern part of the project site to the Division of Fisheries and Wildlife (DFW). This land will be permanently protected under Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts. The land being donated to

DFW includes two potential breeding pools and all land within 500 feet of the breeding pools. This land donation will create a connection between protected lands to the east (Douglas State Forest) and to the north (Mine Brook Wildlife Management Area), and allow connectivity between several Marbled Salamander breeding pools. I commend the proponent for its efforts with regard to rare species protection and project redesign, and the 102-acre land donation to the Commonwealth to protect the Marbled Salamander population and its habitat.

Since the filing of the ENF, the proponent has made additional changes to the project, which has resulted in a reduction of housing units proposed for the Phase II portion of the development (five lots are now proposed compared with ten lots as proposed in the ENF). The NHESP has determined that the proposed Phase II, existing wholly outside of the 500 and 1000 foot zones surrounding breeding pools, will have no adverse effect on the Marbled Salamander. The NHESP is satisfied that the proponent has avoided, minimized, and mitigated impacts to state-listed species consistent with the performance standards for issuance of a conservation and Management Permit.

Historical and Archaeological Resources

The Massachusetts Historical Commission (MHC) has requested that the proponent conduct an intensive locational archaeological survey to locate and identify any significant historic or archaeological resources that may be affected by the project. As further detailed in the MHC comment letter (dated April 28, 2006), limited portions of the project site are considered to be archaeologically sensitive and likely to contain sites associated with ancient and historic period occupation of the Webster area. Since the filing of the ENF and receipt of MHC comments, the proponent has retained Public Archaeology Labs to perform the archaeological survey.

As further detailed in the second comment letter from MHC (dated May 17, 2006), the scope of the archaeological survey should focus on impact areas as reflected in the revised project plans submitted during the ENF review period. The proposed Conservation Restriction (CR) should incorporate any project areas with significant archaeological sites that are identified and can be easily avoided, and should contain stipulations to protect the property's archaeological resources. The proponent should provide MHC with draft CR language and a plan showing CR boundaries for their review and comment.

Stormwater and Drainage

As further detailed in the ENF, the proponent has development an Operations and Maintenance Plan for the proposed stormwater management system, which will be designed to comply with the DEP Stormwater Management Policy standards. The proposed stormwater management system will provide 80% removal of total suspended solids (TSS), which will be achieved through use of deep sump catch basins with hoods, forebays, retention basins, and street sweeping. The proposed system will also include a stormwater treatment unit and provide 100% on-site groundwater recharge.

Construction

The ENF included information on construction phasing and the proponent has committed to implementation of an erosion and sedimentation plan, including Best Management Practices (BMPs) to manage stormwater flows and protect wetlands resources. The proponent should ensure that appropriate measures are implemented to avoid and minimize dust, noise, traffic, odor and nuisance conditions associated with construction activities, and to maximize reuse and recycling of construction debris.

Sustainable Design

I encourage the proponent to consider high-performance/green building and other sustainable design measures to avoid and minimize environmental impacts. Sustainable design measures, which can reduce project development and long-term operational costs, may include:

- EnergyStar Certification and Leadership in Energy and Environmental Design (LEED) Certification for Homes;
- water conservation and reuse of wastewater and stormwater;
- Low Impact Development (LID) techniques (the proponent may find the following web sites useful www.mass.gov/envir/lid and www.lid-stormwater.net;
- use of renewable energy;
- ecological landscaping;
- optimization of natural day lighting, passive solar gain, and natural cooling;
- energy-efficient Heating, Ventilation and Air Conditioning (HVAC), lighting systems, and appliances, and use of solar preheating of makeup air;
- use of building supplies and materials that are non-toxic, made from recycled materials, and made with low embodied energy; and
- implementation of a solid waste minimization and recycling plan.

Mitigation

As described above and in the ENF, the proponent has committed to measures to mitigate adverse impacts including:

- Donation of 102 acres of land to the Division of Fisheries and Wildlife;
- A Conservation Restriction on approximately 10 acres of land that includes an easement for public access to open space;
- Construction Best Management Practices (BMPs) to protect wetlands resources;
- Operations and Maintenance Plan to ensure effectiveness of the stormwater management system;
- Implementation of an intensive (locational) archaeological site survey in accordance with MHC recommendations, and inclusion of archaeologically sensitive areas in the proposed Conservation Restriction;
- On-site wetlands replication (9,824 square feet);
- Deed restrictions on house lots that include wetland resource areas (5.25 acres).

I have determined that the ENF has sufficiently defined the nature and general elements of the proposed project, and that the proponent has committed to measures to avoid, minimize and mitigate adverse environmental impacts. I am satisfied that any outstanding issues can be addressed through the state and local permit and review process. The project may proceed to state permitting agencies. No further MEPA review is required for the proposed project.

June 9, 2006

DATE



Stephen R. Pritchard, Secretary

Comments Received:

4/26/06	Department of Environmental Protection, Central Regional Office
4/28/06	Massachusetts Historic Commission
4/28/06	Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program
5/22/06	Massachusetts Historic Commission (second comment letter)

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