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June 15, 2007

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

PROJECT NAME : Prospect Hill Preserve
PROJECT MUNICIPALITY : Taunton
PROJECT WATERSHED : Taunton
EOEEA NUMBER : 14012
PROJECT PROPONENT : Winterton Corporation
DATE NOTICED IN MONITOR : April 25, 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 project consists of a 22-lot single family cluster subdivision on a 43-acre project site. The project site is located within the Hockomock Swamp Area of Critical Environmental Concern (ACEC), and is bordered to the west, northwest, and southwest by the Hockomock Swamp Wildlife Management Area. The project includes the construction of approximately 1,400 linear feet of new roadway, extension of a sewer main to existing infrastructure within Prospect Hill Road, the installation of individual on-site water wells, construction of stormwater management basins, and the enhancement and creation of turtle habitat and nesting areas. Work will occur within buffer zones to wetland resource areas; however no direct alteration of wetland resource areas is proposed. The 43-acre project site consists of two separate parcels: Parcel A which is approximately 16.5 acres in area, and Parcel B which is approximately 25.4 acres in area. Under the Preferred Alternative, Parcel B in its entirety will be placed into a Conservation

Restriction, and approximately 10.6 acres of Parcel A will be designated for habitat protection, resulting in 36 of the 43 project site-acres under permanent protection. It is unclear at this time what entity (non-profit, state agency or local) will control the conservation restriction. Conservation parcels have been designed as separate lots to avoid conflict with individual homeowners and residential activities.

The project is undergoing review pursuant to Section 11.03 (2)(b)(2) because the project requires a State Agency action and will involve the taking of an endangered or threatened or species of special concern on a project site greater than two acres in area and in an area mapped as a Priority Site of Rare Species Habitats. Review is also required under Section 11.03(11)(b), as the project is located within a designated Area of Critical Environmental Concern (ACEC). The project will require a Sewer Connection or Extension Permit from the Massachusetts Department of Environmental Protection (MassDEP), a Conservation and Management Permit from the Natural Heritage and Endangered Species Program (NHESP) in accordance with the Massachusetts Endangered Species Act (MESA) Regulations, an Order of Conditions from the Taunton Conservation Commission (and a Superseding Order of Conditions from MassDEP if the Order is appealed), and a Special Permit and Definitive Subdivision Approval from the Taunton Planning Board. The project will require a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the U.S. Environmental Protection Agency (U.S. EPA).

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that may have significant environmental impacts and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction exists over rare species, ACECs, wetlands, stormwater, and wastewater.

Rare Species

Based on a review of available project and database information, NHESP has determined that this project occurs within the habitat of the Eastern Box Turtle (*Terrapene carolina*). The Eastern Box Turtle is listed as a species of "Special Concern" pursuant to the MESA. The Eastern Box Turtle is primarily a terrestrial turtle that utilizes a variety of upland and wetland habitats and at times, demonstrates a preference for edge and early successional habitat.

The project proponent has been in consultation with NHESP in advance of a formal MESA filing and during the MEPA review process. A habitat assessment was performed on the project site in 2006 and 2007. The NHESP ENF comment letter states the preliminary finding that the proposed project would likely result in a "take" of Eastern Box Turtle through the disruption of protected behaviors and, potentially, through directly harming or killing individuals of this species during construction. The NHESP has noted that the Preferred Alternative presented in the ENF and revised during the MEPA comment period represents a significant step toward avoiding impacts to the Eastern Box Turtle by removing Lot 8 from the northeastern corner of the project. The project proponent should continue to work with NHESP during the

MESA review process to further reduce impacts by limiting lot footprints and associated grading in those areas that include prime foraging and nesting habitat for the turtles.

Furthermore, while a formal MESA filing has not been filed with NHESP to date, NHESP has noted in their ENF comment letter that they anticipate that they will be able to work toward the issuance of a Conservation and Management Permit associated with the project to limit overall habitat disturbance and confirm project compliance with applicable MESA performance standards. I encourage NHESP and the project proponent to work together to develop construction related oversight, work-timing considerations, temporary and/or permanent barriers, and signage during project construction. A commitment to future monitoring efforts should also be outlined and reviewed with NHESP at their discretion.

Wetlands and Stormwater

The project will not directly impact wetland resource areas, but some site grading will occur within the 100-foot buffer zone to Bordering Vegetated Wetlands (BVW) and the former farm pond on-site. The project must be designed and constructed in accordance with MassDEP Stormwater Management Guidelines. In response to MassDEP ENF comments, the proponent should provide additional information regarding stormwater management (including but not limited to sizing calculations, soil data from the location of the proposed basin, cross sections and details) to the Taunton Conservation Commission during the Notice of Intent review process under Massachusetts Wetlands Protection Act. The proponent should size and construct stormwater Best Management Practices (BMPs) according to the design criteria in MassDEP's Stormwater Management Policy Volume 2 in order to claim the maximum removal rate of Total Suspended Solids (TSS).

The project will require a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the U.S. Environmental Protection Agency (U.S. EPA). The proponent should establish appropriate protocols for erosion and sedimentation controls during the construction period, particularly in light of the anticipated importation of fill and site grading activities to accommodate homes in an area of high groundwater.

Wastewater

The proposed project will require a connection to an existing sewer main in Prospect Hill Street and will generate approximately 9,680 gallons per day of wastewater. The project will likely require an amendment to an existing agreement between the Town of Raynham and the City of Taunton dated October 10, 2001 that allowed the existing residents of these communities north of Interstate 495 on Prospect Hill Street to share all costs associated with the installation of the sewer. Additionally, the proponent should review MassDEP's "Guidance for Evaluating Sewer Extensions Within Communities Developing a Comprehensive Water Resources Management Plan", issued in January 2007. The City of Taunton is presently undergoing MEPA review of its Comprehensive Wastewater Management Plan (CWMP) (EOEA No. 13897). This project may require a Phase I waiver approval from MEPA (through the filing of a Notice of

Project Change) if the project exceeds guidance document requirements and moves forward prior to completion of the Environmental Impact Report (EIR) on the Taunton CWMP. The proponent should consult with MassDEP to confirm the applicability of the guidance document to State approvals of a private versus a public sewer extension. Furthermore, the proponent should work with the City of Taunton to confirm treatment capacity and potential inflow and infiltration (I/I) mitigation prior to the advancement of this project in light of known constraints on the Taunton sewer system and treatment plant.

I have determined that the ENF has sufficiently defined the nature and general elements of the project and proposed measures to avoid and mitigate environmental impacts. I am satisfied that any remaining issues can be adequately addressed during the state and local permitting and review process. The proposed project, as described in the ENF, requires no further review under MEPA.

June 15, 2007

Date



Ian A. Bowles

Comments received:

05/31/2007 Massachusetts Division of Fisheries and Wildlife – Natural Heritage and Endangered Species Program
06/07/2007 Massachusetts Department of Environmental Protection – SERO
06/08/2007 Letter and petition signed by 38 neighborhood residents
06/08/2007 MassAudubon

IAB/HSJ/hsj