



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

IAN A. BOWLES
SECRETARY

Tel: (617) 626-1000

Fax: (617) 626-1181

<http://www.mass.gov/envir>

September 7, 2007

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

PROJECT NAME : The Enclave at the Reservoir
PROJECT MUNICIPALITY : Faunce Corner Road - Dartmouth
PROJECT WATERSHED : Buzzard's Bay
EEA NUMBER : 14071
PROJECT PROPONENT : Forest Park, Inc.
DATE NOTICED IN MONITOR : August 8, 2007

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 determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

According to the Environmental Notification Form (ENF), the proposed project consists of the construction of a 29-lot single-family residential subdivision (approximately 87,000 square feet (sf)) with associated access roadways on a 119.03-acre site. The project will have its access roadway onto Faunce Corner Road. The site is wooded and contains two dilapidated structures that will be demolished. The proponent is proposing a Conservation Restriction on approximately 96.16 acres of the site (80.5 percent of the site).

The project is subject to review pursuant to Section 11.03(2)(b)(2) of the MEPA regulations because it involves the taking of an endangered or threatened species of special concern, and the project site is two or more acres and includes an area mapped as a Priority Site of Rare Species Habitats and Exemplary Natural Communities. It requires a Water Quality Certificate for filling a subdivision from the Department of Environmental Protection (MassDEP). The project will require a Conservation and Management Permit under the Massachusetts Endangered Species Act (MESA) from the Natural Heritage & Endangered Species Program (NHESP). It must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. An Order of Conditions will be required from the Dartmouth Conservation Commission for impacts to wetland resource areas. MEPA jurisdiction is limited to those aspects of the project within the



subject matter of state permits and that may have significant environmental impacts (wetlands, stormwater, and rare species).

Based on the Institute of Traffic Engineers Land Use Code 210, the proposed project is estimated to generate approximately 290 new vehicle trips per weekday. About 87 parking spaces will be constructed.

Each residential unit will be supplied by individual wells and Title 5 septic systems. The project will consume approximately 14,036 gallons per day (gpd) of water and will generate approximately 12,760 gpd of wastewater.

According to the proponent, the project will alter approximately 4,200 sf of Bordering Vegetated Wetlands (BVW). The proponent is proposing an approximately 7,200 sf replication in an upland area. Most of the Riverfront Area will be located within the conservation area.

The project will create approximately 4.5 acres of new impervious area. The quality of stormwater runoff generated by the project will be improved by the implementation of Best Management Practices. Existing site runoff is sheet flow. Runoff from the proposed roadways, driveways, and parking areas will flow to deep sump catch basins with hoods that flow to pocket wetlands that are built into the detention basins. The detention basins are designed to hold up to a 100-year storm event. Roof runoff will be infiltrated. The peak rate of water discharging from the site will be less than existing conditions. The proponent and the homeowners association will provide for an annual inspection and maintenance program for the stormwater collection system and an annual sweeping program of the proposed driveways and parking areas. After the roadways are accepted by the Town of Dartmouth, the local Department of Public Works will be responsible for the annual sweeping program and the maintenance of the roadway drainage system. The proponent has included 4-foot wide sidewalks on one side of its proposed roadway.

Because of the Priority Habitat located on the project site, the project proponent has completed a preliminary habitat assessment as part of its MESA filing as requested by NHESP. The proponent has proposed to install wildlife barriers, two wildlife crossings under the roadway, native plantings, signage regarding wildlife passage, and a three to five year monitoring program of Endangered Species. The two wildlife crossings under the roadway are comprised of a 10-foot wide pre-cast arch culvert, approximately 3-4 feet high at the center of the arch. The proponent is also proposing to place approximately 96.16 acres of the undeveloped portions of the site under a Conservation Restriction. The proponent has committed to provide a trained biologist to be available to monitor construction impacts on rare species habitat at the project site. Construction personal will be trained to stop work in areas where a turtle is located until it is safely relocated beyond the construction area. The proponent will conduct pre-construction turtle sweeps to remove turtles from the construction area. I ask NHESP to consider ensuring that the proponent provides a Conservation Restriction with my office that protects the

96 acres to its satisfaction. The NHESP and the proponent should consider establishing some type of fund to ensure that the annual monitoring program, which will be part of the proponent's Conservation and Management Plan, will have sufficient resources.

The proponent has committed to preserve the existing trail through the project site that leads to a Town park. It will preserve an existing cemetery within the conservation area. The proponent will also remove invasive species within the approximately 7-acre open field area. It should consider installing a community septic system or systems with advanced nitrogen removal to address the concern regarding the further impairment of the East Branch of the Westport River.

Based on a review of the information provided by the proponent, a review of the comment letters, and after consultation with NHESP, I find that the potential impacts of this project do not warrant the preparation of an EIR.

September 7, 2007
Date


Ian A. Bowles

Comments received:

The Coalition for Buzzards Bay, 8/17/07
MassWildlife, 8/20/07
MassDEP/SERO, 8/28/07

14071enf
IAB/WG/wg