



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
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September 21, 2007

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

PROJECT NAME : Birch Street Elevated Water Storage Tank and Mayflower
Street Water Main
PROJECT MUNICIPALITY : Duxbury
PROJECT WATERSHED : South Coastal
EEA NUMBER : 14083
PROJECT PROPONENT : Duxbury Department of Public Works
DATE NOTICED IN MONITOR : August 22, 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 the above 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 new elevated one million gallon water storage tank. The new water tank will be constructed at the appropriate elevation of 139.5 feet. It would replace an existing 1 million gallon elevated water storage tank that is 80 feet tall. The proponent is proposing a land swap of an approximately 71,874 square foot (sf) Duxbury Department of Public Works' (DDPW) parcel for the 16,017 sf Duxbury Conservation Commission (DCC) parcel, which is the site of the proposed tank and adjacent to the existing water tank. The DCC would transfer the site to the proponent, and the proponent would transfer its site to the DCC. The 71,874 sf site is located off of Lincoln Street, and it is adjacent to 19 acres of existing town conservation land. It provides a 40-foot access in fee to this conservation parcel. The project also includes the installation of two pressure reducing valves (PRV) at Elm Street and Walker Road, extending the gravel access driveway to the new tank, a 16-inch wide water main to the new tank, and a 12-inch wide water main and culvert replacement in Mayflower Street. The existing water tank would be demolished when the new tank is operational.

This project is subject to MEPA review pursuant to Section 11.03(1)(b)(3) because the project converts land held for natural resources purposes in accordance with Article 97 of the

Amendments to the Constitution. The site of the proposed water tank was purchased with state Self-Help funds. The project may require a Water System Modification Permit from the Department of Environmental Protection (MassDEP). The proponent should submit a direct filing with the Natural Heritage and Endangered Species Program (NHESP) to comply with the Massachusetts Endangered Species Act. The NHESP indicated that portions of the proposed project site are located within the habitat of the Eastern Box Turtle. The project will require an Order of Conditions from the DCC for impacts to wetland resource areas (bank and riverfront area) as a "limited" project. It should comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. On January 23, 2007, the DCC approved by majority vote the transfer of the proposed site. Town meeting approved the conversion of conservation land on March 10, 2007. The proponent must now comply with the Executive Office of Energy and Environmental Affairs (EEA) Article 97 Land Disposition Policy. The Massachusetts Legislature must approve the conversion of Article 97 Land by a two-thirds vote. Because the legislature must approve the transfer/conversion of the land and state funding is being sought by the proponent, MEPA jurisdiction extends to all aspects of the project that may have significant environmental impacts (land transfer, wetlands, habitat, stormwater and water distribution).

According to the proponent, the proposed project will impact approximately 40 linear feet of Bank and 4,980 sf of Riverfront Area.

The amount of impervious area will increase by 3,523 sf. Stormwater runoff at the site of the existing water tank is sheet flow, and it will remain sheet flow at the new water tank site. Runoff from the gravel driveway and from the roof of the proposed tank will also be sheet flow. The proponent is also installing an overflow basin for the proposed water tank.

As part of its compliance with the EEA Article 97 Land Disposition Policy, the proponent has obtained appraisals for the converted and replacement parcels and the replacement land is of greater value than the converted property. The Town of Duxbury and the EEA should execute an amendment to the original Self-help project agreement. The Town of Duxbury should also close on the replacement parcel and dedicate it to conservation use via town meeting and should record the Self-Help project amendment and town meeting vote as adjuncts to the deed for the replacement land. The proponent should also work with the NHESP to avoid a "take" of the Eastern Box Turtle.


Based on a review of the information provided by the proponent and after consultation with relevant public agencies, I find that the potential impacts of this project do not warrant the preparation of an EIR and can be properly addressed in the state and local permitting processes.

EEA #14083

ENF Certificate

September 21, 2007

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Date



Ian A. Bowles

Comments received:

MHC, 8/22/07
Stantec Consulting Service, 8/23/07
Duxbury Water/Sewer Superintendent, 9/5/07
MassWildlife, 9/7/07
Stantec Consulting Service, 9/10/07
Duxbury Planning Dept., 9/11/07
MassDEP/SERO, 9/12/07
Jones River Watershed Association, 9/19/07

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