



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 21, 2007

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

PROJECT NAME : Cranberry View Estates
PROJECT MUNICIPALITY : Freetown
PROJECT WATERSHED : Taunton
EOEA NUMBER : 14084
PROJECT PROPONENT : King's Point Holdings, Inc.
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 this project **does not require** the preparation of an Environmental Impact Report (EIR).

Project Description

As described in the Environmental Notification Form (ENF), the proposed project entails the development of a 16-unit residential subdivision and associated infrastructure on a 29-acre site on the south side of Howland Road. The project site is bounded by an active cranberry bog to the east.

MEPA Jurisdiction and Permitting Requirements

The project is undergoing review pursuant to 301 C.M.R. 11.03 (2)(b)(2) of the MEPA regulations, because it will result in a "take" of a rare species, in this case, the Eastern box turtle, and therefore requires a Conservation and Management Permit from the Division of Fisheries and Wildlife (DFW) Natural Heritage and Endangered Species Program (NHESP) and a 401

Water Quality Certification from the Massachusetts Department of Environmental Protection (MassDEP). The project will also require an Order of Conditions from the Freetown Conservation Commission (and hence a Superseding Order from MassDEP if the local Order is appealed). 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. The proponent is not seeking state funding or financial assistance for the proposed project. MEPA jurisdiction therefore is limited to those aspects of the project within the subject matter of any required or potentially required state permits that have the potential to result in damage to the environment (rare species and wetlands/stormwater management).

Review of the ENF

Rare Species

According to NHESP, the project site occurs within actual habitat for the eastern box turtle, which is listed as a Species of Special Concern pursuant to the Massachusetts Endangered Species Act (MESA). The proponent has consulted with NHESP, but has not yet submitted an application for a Conservation and Management Permit. Based on discussions, however, the proponent proposes to permanently protect upland foraging and nesting habitat within the project site through deed restrictions, as well as permanent protection of 43 acres of additional off-site habitat through reimbursement of fees received from the sale of this property to DFW.

Stormwater Management

The ENF indicates that the proposed subdivision would be situated next to an active cranberry bog and proposes to use the existing cranberry bog reservoir to mitigate the project's stormwater rates and volumes. The proponent should note MassDEP's concerns regarding the potential impacts of directing stormwater to this reservoir. If the reservoir is a natural body of water, or an impoundment of a stream, then directing stormwater to this reservoir may have implications under the Wetlands Protection Act. I note that the owner of the bog is also the project proponent. The proponent should contact MassDEP's Southeastern Regional Office for additional guidance.

Wetlands

The project entails construction activity within the 100-foot buffer zone to Bordering Vegetated Wetlands (BVW) and thus requires an Order of Conditions under the Wetlands Protection Act. The project is currently in the Notice of Intent (NOI) public hearing process with the Freetown Conservation Commission.

Based on the information submitted in the ENF, it appears that a 401 Water Quality Certification is required. The ENF indicates that the project entails the filling of 1,980 square feet of Isolated Vegetated Wetlands (IVW); and according to the current atlas of Estimated Habitats of Rare Wildlife (dated October 1, 2006) this IVW occurs within a mapped polygon. Per 314 CMR 9.04(7), a 401 Water Quality Certification is required for fill of IVW in Estimated Habitat.

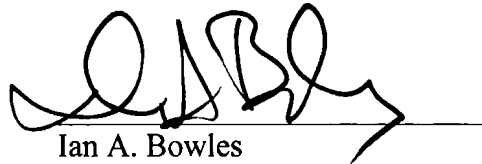
Subdivisions of ten or more lots that require the filing of an NOI are subject to the Massachusetts Stormwater Management Policy (SWMP). The ENF does not include the Stormwater Management Form, drainage maps or supporting calculations; therefore, it is not possible to determine if the project is in compliance. The proponent must provide a plan showing the entire area draining onto the site, calculations of pre- and post-construction runoff rates and other documentation required to demonstrate compliance as part of the local and state permitting processes.

The proponent should also fully address the comments submitted by MassDEP and the Department of Conservation and Recreation (DCR) regarding the project's impacts to wetland resource areas during the NOI public hearing and 401 Water Quality Certification process.

Conclusion

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 the project's 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 during the permitting processes.

September 21, 2007
Date


Ian A. Bowles

Comments received:

- 08/27/07 Department of Conservation and Recreation
- 09/11/07 Massachusetts Department of Environmental Protection Southeastern Regional Office
- 09/11/07 Natural Heritage and Endangered Species Program

IAB/RB/rb