



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street, Suite 900

Boston, MA 02114-2524

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

ROBERT W. GOLLEDGE, JR.
SECRETARY

Tel. (617) 626-1000
Fax. (617) 626-1181
<http://www.mass.gov/envir>

October 11, 2006

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

PROJECT NAME : Wetherell Estates
PROJECT MUNICIPALITY : Plainville
PROJECT WATERSHED : Ten Mile River
EOEA NUMBER : 13875
PROJECT PROPONENT : Astor Builders, LLC
DATE NOTICED IN MONITOR : September 11, 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).

This project consists of the construction of a residential complex consisting of seven townhouses (housing a total of 32 units) on an 11.3 acre site in Plainville, MA. The complex will include 76 parking spaces, access drives and associated utilities including a stormwater management system. Access to the site will be provided by reconstructing the existing access from the end of Wetherell Place. The existing river crossing will be expanded from 12 feet to 18 feet and it will include replacement of the existing bridge with a pre-cast concrete culvert. The site is bordered by Wetherell Pond to the north and the Ten Mile River to the northeast and south. The site consists of uplands, bordering vegetated wetlands (BVW) and riverfront area. It is located within a residential area that includes an electrical substation to the east of the property (and west of the Ten Mile River). The site contains a gravel driveway leading to a single family house (and an associated barn and shed). The proposed project is located almost entirely within the 100-foot buffer zone to BVW and/or riverfront area.

The ENF includes a summary of alternative development scenarios considered for the site, a description of infrastructure associated with the site (in the project description and on the plans) and a summary of proposed mitigation measures. Potential environmental impacts are associated with the following: creation of 1.5 acres of impervious surfaces; alteration of 296

square feet of BVW, 37,750 sf of riverfront area, 20 linear feet of inland Bank, and at least 60 square feet of Land Under Water; use of 10,120 gallons per day (gpd) of water; and generation of 10,120 gpd of wastewater. Proposed efforts to avoid, minimize and mitigate impacts include: location of the majority of the parking spaces under the buildings to minimize impervious surfaces; a stormwater management system designed to infiltrate all stormwater associated with the project; permanent protection of 50% of the site as open space; and wetlands replication on a 14.5:1 basis.

The project is undergoing MEPA review pursuant to Section 11.03 (3)(b)(1)(f) because it requires a state permit and will alter 1/2 or more acres of wetlands. The project requires a Superseding Order of Conditions and Sewer Connection/Extension permit from the Department of Environmental Protection (DEP). 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 land alteration, wetlands and wastewater.

Wetlands

The project requires a Superseding Order of Conditions from DEP because the project was denied by the Plainville Conservation Commission. Comments provided by the Plainville Conservation Commission describe the basis for the project denial. The comments indicate that the Notice of Intent did not include an adequate alternatives analysis, did not include detailed information and plans for the proposed wetlands replication area and did not include adequate information regarding the wetlands crossing of the Ten Mile River and associated impacts.

The ENF indicates that a portion of the project located within the riverfront area should be considered redevelopment within previously disturbed riverfront area. Plans submitted with the ENF identify three areas of redevelopment including a portion of the access drive and portions of the buildings in the southern area of the site. However, as DEP notes in its comments, the ENF did not address the relevant sections of the Wetlands Protection Act regulations (310 CMR 10.58 (5)) that identify standards for redevelopment and it is unclear whether the project is consistent with these standards. The regulations permit redevelopment of previously developed riverfront area provided the proposed work improves existing conditions.

The proponent will be required to address the following during project permitting to demonstrate consistency with the regulations:

- 1) Accurately quantify the area of the site that meets the regulatory definition of previously degraded area and illustrate it on project plans. DEP comments indicate that the existing house, barn and shed with related driveway would meet the regulatory definition of previously degraded area and that the 400 to 600 square feet of area within the existing gravel R.O.W in the southeast portion of the site potentially meets the definition.
- 2) Demonstrate how the proposed work improves existing conditions. It is unclear how a significant increase in impervious surfaces associated with the

- construction of two buildings (with much larger footprints) and access drives is an improvement over existing conditions.
- 3) Provide a detailed wetlands replications plan. DEP indicates that the March 2002 *Massachusetts Inland Wetland Replication Guidelines* (issued by the Bureau of Resource Protection's Wetlands and Waterways Program) includes a Replication Checklist (Appendix 3) that lists information that should be included with a Notice of Intent when replication of BVW is proposed. The proponent should consult the Guidelines prior to submitting the plan to DEP.

Based on information provided with the ENF and a review of comment letters, it does not appear likely that the project will be permitted as proposed. I strongly encourage the proponent to explore reduced build alternatives that will minimize development within the 100-foot buffer zone to wetlands and the riverfront area.

Wastewater

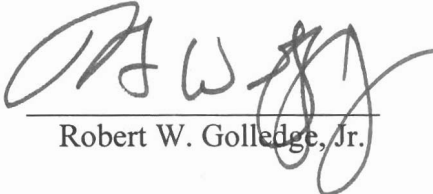
The ENF did not indicate that a Sewer Connection/Extension Permit was required or provide information on wastewater issues beyond the projected wastewater demand. As noted previously, the project requires a Sewer Connection/Extension permit because it includes a sewer pump station. The proponent will need to address treatment plant capacity, downstream sewer capacity and wastewater management planning issues during project permitting.

I note that this area was not identified for installation of new sewer lines by the Plainville Wastewater Facilities Plan Update (EOEA #13757). The Update did identify the need to minimize extraneous water (Infiltration/Inflow (I/I)) in the sewage system and identified specific projects to address this problem. The proponent should address these issues during state and local permitting.

The review of the ENF has served to adequately disclose the potential impacts associated with this project. Based on the information in the ENF and after consultation with relevant public agencies, I find that, although there are significant outstanding issues that must be addressed by the project proponent, these issues can be adequately addressed through state and local permitting. No further MEPA review is required.

October 11, 2006

Date



Robert W. Gollidge, Jr.

Comments Received:

- 10/2/06 Massachusetts Department of Environmental Protection (MassDEP)
- 9/26/06 Plainville Conservation Commission

RWG/CDB/cdb