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November 21, 2008

CERTIFICATE OF THE SECRETARY OF ENERGY & ENVIRONMENTAL AFFAIRS  
ON THE  
NOTICE OF PROJECT CHANGE

PROJECT NAME : 1021 Kingston's Place  
PROJECT MUNICIPALITY : Kingston  
PROJECT WATERSHED : South Coastal  
EOEA NUMBER : 14126  
PROJECT PROPONENT : Thorndike Development Corporation  
DATE NOTICED IN MONITOR : October 22, 2008

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) and Section 11.03 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) and hereby amend the Scope for the Environmental Impact Report (EIR) to incorporate the Pond Properties project into the project review.

Original Project Description

As described in the Expanded Environmental Notification Form (EENF), the project consists of the design and construction of a 1.8 million gross square foot (sf) mixed-use development in Kingston and construction of access roads including a slip ramp to Route 3 southbound. The EENF indicates that the project is proposed consistent with the Kingston Smart Growth District, an overlay district adopted pursuant to M.G.L. c. 40R Smart Growth Zoning. The development is proposed on a 109-acre parcel adjacent to the MBTA commuter rail station. At full-build, the project will include 50,000 square foot (sf) of retail space, 250,000 sf of office space and 730-residential units. The project will include significant roadway improvements including geometric and signalization improvements along Smiths Lane at the Route 3

interchange (Exit 8) and northbound and southbound ramps and extension and reconstruction of Cranberry Road.

The project is proposed in two phases. Phase 1 consists of the off-site roadway improvements. Phase 2 consists of the site development. The proponent proposes to construct the roadway improvements prior to the occupancy of the development.

### Project Change

The project change consists of a 44-unit residential development, Pond Properties, on a parcel adjacent to the 1021 Kingston's Place project. The apartment units will be located within five residential buildings and the project is being proposed pursuant to M.G.L. c. 40B. The project will be phased over eight years. Primary access to the site will be provided via the 1021 Kingston's Place roadway. Secondary and/or emergency access will be provided via Raboth Road. The project will include 99 parking spaces (49 surface spaces and 44 garage spaces located underneath the buildings), a stormwater management system, on-site septic system, lawn areas and landscaping. The NPC indicates that wastewater will be discharged to the municipal wastewater treatment plant upon completion of infrastructure for the 1021 Kingston's Place project. The project will be served by municipal water. The project may include public trail-head parking, new walking paths to Smelt Pond and a public dock. In addition, an existing cabin will be demolished and an existing cart path, Monk's Hill Road, will be rerouted within the site.

The NPC indicates that the proponent will construct some initial infrastructure associated with the 40R project to facilitate construction of the 40B project. This work will include earthwork, construction of the main access road sufficient to provide adequate access to the Pond Properties parcel and installation of the water main loop within the access road. The NPC indicates that the proponent is committed to building the 40B site in accordance with the high design standards established for the 40R.

### Project Site

The original project site is bounded by the MBTA commuter rail station to the north, Marion Drive and existing commercial development to the northwest, a sand and gravel pit to the south, Smelt Brook and its associated buffer zone to the southwest, and the Davis parcel to the northwest. The site has been altered significantly through sand and gravel removal operations. According to the Division of Fisheries and Wildlife's (DFW) Natural Heritage and Endangered Species Program (NHESP), a portion of the project site is mapped as Priority Habitat of Rare Species. The project is located within the 2<sup>nd</sup> Brook Water District. The roadway improvements will extend from Smith's Lane to Marion Drive via the extension of Cranberry Road and include the construction of a loop ramp that will extend from Cranberry Road around the existing transfer station and the Kingston Wastewater Treatment Facility (WWTF) until its connection with Route 3 southbound. The current alignment of Cranberry Road crosses Smelt Brook and associated

riverfront area and runs adjacent to the capped landfill. Wetland resource areas are located to the northeast of the proposed Route 3 slip ramp.

The project site for the NPC is located within the buffer zone between the 40R project, Smelt Pond and Smelt Brook to the south of the 1021 Kingston Place site. It is a 10.02 acre site. According to the Department of Fish and Game's (DFG) Natural Heritage and Endangered Species Program (NHESP), a portion of the project site is mapped as Priority Habitat of Rare Species.

The site is undeveloped woodland with the exception of a small cabin and driveway and cart paths (including Raboth Road and Monks Hill Road). The site includes a plateau adjacent to the 40R project site, where the buildings are proposed, and steep slopes extending from the plateau to Smelt Pond. The site is bounded by Raboth Road to the north and east, Smelt Brook to the east, Smelt Pond to the south and undeveloped land owned by the Town of Kingston to the west. The project is located within the 2<sup>nd</sup> Brook Water District and portions of the site are within the Riverfront Area, flood zones and buffer zones to wetland resource areas. According to the Massachusetts Historical Commission (MHC), the site is located near archaeologically sensitive areas.

### Environmental Impacts

Potential environmental impacts for the entire project are associated with the alteration of 17.8 acres of land, the creation of 57.7 acres of new impervious area, alteration of 42,667 sf of riverfront area, generation of 12,410 average daily vehicle trips (adt), use of 263,700 gallons per day (gpd) of water (including 28,700 gpd for irrigation) and generation of 235,000 gpd of wastewater.

Potential environmental impacts for the project change are associated with alteration of 5.2 acres of land, the creation of 2.2 acres of new impervious area, generation of 440 average daily vehicle trips (adt), use of 9,680 gallons per day (gpd) of water, withdrawal of 3,950 gpd of water for irrigation and generation of 9,680 gpd of wastewater. Construction of the dock will result in temporary and permanent wetland alterations that are not quantified in the NPC.

### MEPA Jurisdiction and Required Permits

The project is undergoing MEPA review and subject to preparation of a mandatory EIR pursuant to Section 11.03 (1)(a)(2) and (6)(a)(6) because it requires a state permit and consists of creation of ten or more acres of new impervious surfaces and generation of 3,000 or more new average daily trips (adt) on roadways providing access to a single location. The project requires a Sewer Connection Permit, a Major Post Closure Use Permit, Major Modification Permits (for the Landfill and for the Transfer Station) and a modification of a Small Handling Facility from the Department of Environmental Protection (MassDEP). It requires a Conservation and Management Permit from the Natural Heritage and Endangered Species Program (NHESP) and a

Dam License from the Department of Conservation and Recreation (DCR). It requires a Construction and Access Permit from the Massachusetts Highway Department (MassHighway) and will require a land transfer between MassHighway and the Town of Kingston. The project may require an approval or easement from the Massachusetts Bay Transportation Authority (MBTA). The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site greater than one acre. Also, it requires numerous local permits and approvals including an Order of Conditions from the Kingston Conservation Commission (and a Superseding Order of Conditions from MassDEP if the local Order is appealed).

The project change will require a Chapter 91 Permit and a Groundwater Discharge Permit from MassDEP and it will require a Conservation and Management Permit from NHESP. It requires an Order of Conditions from the Kingston Conservation Commission (and a Superseding Order of Condition from MassDEP if the local Order is appealed). In addition, it requires a Comprehensive Permit from the Kingston Zoning Board of Appeals (and review by the Housing Appeals Committee (HAC) if the Comprehensive Permit is appealed). In addition, it will require a NPDES Construction General Permit for Stormwater.

Because the project change may require approval from the HAC, MEPA has broad scope jurisdiction for the project change extending to all impacts that may cause Damage to the Environment as defined in the MEPA regulations. These include land alteration, traffic/transportation, air quality, wetlands, waterways, drainage, rare species, water supply, wastewater, historic resources and solid/hazardous waste.

### Procedural History

The proponent filed an EENF in November, 2007 with a request for a Phase 1 Waiver that would allow the proponent to proceed with Phase 1 of the project prior to preparing an EIR for the entire project. A Certificate on the EENF was issued on January 8, 2008 and it included a Scope for the Draft EIR. A Final Record of Decision (FROD) was issued on February 13, 2008 granting the Phase 1 Waiver subject to certain conditions including, but not limited to, a requirement that additional design and analysis of Phase 1, its environmental impacts and mitigation measures will be included in the EIR and that construction of Phase 1 cannot be initiated until MEPA review of the entire project is complete.

### Project Segmentation

The MEPA regulations include anti-segmentation provisions to ensure that projects, including any future expansion, are reviewed in their entirety. Proponents cannot evade, defer or curtail MEPA review by segmenting one project into smaller ones that, individually, do not meet or exceed MEPA thresholds. In determining whether work or activities constitute one project, the Secretary must consider whether the work or activities comprise a common plan or independent undertakings, regardless of whether there is more than one proponent, the timing of

work and activities, and whether the environmental impacts caused by the work or activities are separable or cumulative.

The Certificate on the EENF and the FROD addressed issues related to segmentation including whether the Town and MassHighway should be included as co-proponents of the project and disclosure of development plans for the Davis parcel and/or other adjacent parcels. The proponent filed the project as an NPC at MEPA's direction to avoid a segmented review. Although the NPC indicates that the Pond Properties parcel will be developed as a separate and distinct project, the project will be served by infrastructure planned as part of the 40R project, is directly adjacent to the project and is being developed by Thorndike Development Corporation.<sup>1</sup> It is being included as part of the 40R review to ensure that MEPA review is not evaded through separate filings and that the cumulative impacts of the project can be considered.

The Certificate on the EENF required the proponent to identify any secondary growth impacts resulting from the proposed project and disclose any additional land holdings in the vicinity of the project and plans for development. I note that commenters have reiterated concerns regarding development of the Davis parcel. The proponent has not identified plans for development of this parcel; however, should plans be developed during MEPA review or within five years of its conclusion, the proponent must disclose plans through the filing of a Notice of Project Change (NPC).

The information identified in the following Scope should be considered an amendment to the Scope for the EIR included in the Certificate on the EENF. The proponent should carefully review both Scopes prior to filing the EIR and ensure that the issues identified are addressed adequately.

## **SCOPE**

### General

The EIR should follow the general guidance for outline and content contained in Section 11.07 of the MEPA regulations, as modified by this Certificate. Impacts and mitigation associated with each phase of the project, including development of the Pond Properties, should be included in the EIR. Impacts associated with development of the Pond Properties parcel should be presented individually and cumulatively with impacts of the 40R project.

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<sup>1</sup> The NPC indicates, and the proponent confirmed at the November 6, 2008 site visit, that the project will be developed by a separate legal entity than the limited liability company (LLC) established for development of the 40R project; however, both projects have been filed with the MEPA Office by Thorndike Development and the proponent did indicate that, although the legal entities will be separate, they will share principals in common.

### Project Description

The EIR should include a thorough description of the Pond Properties project, all project elements and construction phases. This property should be included within all project plans including the existing conditions plan, proposed conditions plan and site circulation plan. The EIR should describe ownership of the parcels and describe the legal entities established to develop the sites.

### Project Permitting and Consistency

The EIR should briefly describe each state permit required for the Pond Properties project and should demonstrate that the project can meet applicable performance standards. In accordance with section 11.01 (3)(a) of the MEPA regulations, the EIR should discuss the consistency of the project with any applicable local or regional land use plans. The EIR should also address the project's consistency with the Commonwealth's Sustainable Development Principles and Executive Order 385 (Planning for Growth).

### Alternatives Analysis

The NPC did not include an alternatives analysis that considers alternative project types or site designs that would avoid, minimize and mitigate project impacts. The EIR should include an alternatives analysis for the Pond Properties parcel that compares the following alternatives:

No Build Alternative;

Zoning Compliant Alternative based on a development that would be permitted by local zoning as of right;

Reduced Build Alternative designed to minimize impacts associated with land alteration, rare species, wetlands resources and traffic generation as compared to the Preferred Alternative; and

Preferred Alternative consisting of the project as proposed in the NPC.

The EIR should describe and identify the impacts for each of the alternatives including land alteration, creation of impervious surfaces, rare species impacts, wetlands impacts, traffic generation, water usage and wastewater generation in a tabular format. This table, along with a supporting narrative and conceptual site plans, should provide a comparative analysis that clearly illustrates the environmental impacts associated with each of the alternatives.

Public comments reflect significant concern with the development of this site. NHESP identifies concerns with impacts to rare species associated with the project as proposed. Comments from the Conservation Commission and others identify concerns associated with impacts to wetland resource areas. Comments from the Kingston Planning Board and the Kingston Town Planner, as well as residents, suggest that this site is not appropriate for high density development and express concern that this proposal will breach the existing buffer

between the 40R project, Smelt Pond and existing open spaces. The proponent should consider issues and concerns by the Town, NHESP and other commenters as it develops project alternatives.

### Greenhouse Gases

As a condition of the Phase 1 Waiver, the proponent is required to comply with the EEA/MEPA Greenhouse Gas Policy and Protocol. The impacts of this project should be included within the GHG analysis, both separately and cumulatively.

I note that the 40R project will be designed consistent with the U.S. Building Council's Leadership in Energy and Environmental Design for Neighborhood Development (LEED-ND) standards. I encourage the proponent to consider LEED certification for the Pond Properties parcel, incorporation of renewable energy technology (e.g solar, fuel cells, geothermal and combined heat and power) into the project design and incorporation of Low Impact Development (LID) techniques into the site design. In addition, efforts to encourage source reduction and recycling through building design and operations could have a significant impact on GHG emissions. The proponent should consult with EEA staff regarding the development of the GHG analysis and mitigation measures.

MassDEP comments note that the Policy requires that the energy model be optimized for the State Building Code, which is the baseline alternative for energy use in calculating GHG emissions. It should be noted that in accordance with the Green Communities Act, the Board of Building Codes and Standards (BBRS) adopted the International Energy Conservation Code on September 1, the 7<sup>th</sup> Edition. This change means that commercial buildings must now be designed to meet ASHRAE 90.1-2007, rather than 2004. Although the BBRS is allowing use of either the 6<sup>th</sup> Edition or the 7<sup>th</sup> Edition until March 1, 2009, the 7<sup>th</sup> Edition should be used for modeling purposes because these projects are in the early stages of development and are likely to be constructed after March 1, 2009.

### Land Alteration

The EIR should quantify the amount of land alteration, the amount of earth work involved in meeting final grades and the amount of impervious surfaces associated with the Pond Properties parcel. The EIR should investigate all feasible methods of avoiding, reducing or minimizing impacts to land. The EIR should identify how excavation and fill will be balanced across the site.

### Traffic and Transportation

The ENF indicates that the Pond Properties project will generate approximately 440 unadjusted average daily vehicle trips (adt). Traffic generation associated with the Pond

Properties project should be incorporated into the revised traffic analysis and associated impacts should be identified separately and cumulatively. The EIR should include a Transportation Demand Management (TDM) program for the Pond Properties project to encourage transit use and minimize single occupancy vehicle (sov) trips. In addition, the EIR should identify how the connection to Raboth Road could affect trip distribution to and from the overall site and within the site.

The EIR should include plans for all proposed roadway improvements. It should clearly identify which roadway improvements are associated with which project phase. It should address whether construction of Phase 1 will be completed prior to completion of construction and/or occupancy of the Pond Properties project.

The EIR should identify the parking ratios associated with this project and explain how the number of parking spaces was determined. The EIR should demonstrate that the parking supply is the minimum necessary to accommodate project demand.

Several commentors have identified concerns with increased vehicular traffic on Raboth Road and roadway improvements associated with the construction of the access road to the 40R project which will traverse Raboth Road. Comments from Ann Bingham Law and other commentors question the proponent's rights to make alterations to Raboth Road. In addition, the Kingston Planning Board has expressed concern with alterations to Monks Road. To the extent that the proponent's proposed improvements/alterations would be prohibited or limited by existing legal rights, which would require analysis of alternative access plans, this issue should be addressed in the EIR.

### Air Quality

A mesoscale analysis is required for the 40R project. The Pond Properties project should be incorporated into the mesoscale analysis required for the 40R project. As noted above, the EIR should include a TDM program for the Pond Properties project.

### Wetlands and Drainage

As noted previously, the project will require an Order of Conditions from the Kingston Conservation Commission. The Conservation Commission will review the project for consistency with the Wetlands Protection Act (WPA) and the MassDEP Stormwater Management requirements. The project has been designed to avoid alterations to resource areas and buffer zones. The NPC indicates that the project does not propose any direct alteration to wetlands; however, some wetland alterations (temporary and permanent) will likely be associated with construction of the proposed pedestrian access and dock.

The EIR should include plans that reflect the most recently approved delineation of all applicable resource area boundaries including riverfront areas, buffer zones, 100-year flood



elevations, priority and/or estimated habitat, wetland replication areas, water supply and waterways. It should describe the nature of all impacts that cannot be avoided including grading, clearing and construction-related disturbances and whether they are temporary or permanent in nature.

The EIR should include a stormwater management plan that demonstrates that source controls, pollution prevention measures, erosion and sediment controls and the drainage system will comply with the MassDEP Stormwater Management standards for water quality and quantity both during construction and post-development. The EIR should identify the quantity and quality of flows and design a system that can approximate current rates. The rates of stormwater runoff should be analyzed for the 10, 25, and 100-year storm events. The EIR should include an operations and management plan to ensure the long-term effectiveness of the stormwater management system. The locations of detention basins, distances from resource areas and the expected quality of the effluent from the basins should be identified. A copy of the Stormwater Pollution Prevention Plan (SWPPP) should be included in the EIR.

As required by the Stormwater Management standards, the EIR should consider incorporation of Low Impact Development (LID) techniques into the project design including measures that minimize the amount of impervious surfaces associated with the project including a reduced parking supply, providing structured or underground parking and use of permeable pavement.

I note that the conservation commission has requested that the proponent submit an Abbreviated Notice of Resource Area Delineation (ANRAD) to confirm resource area boundaries prior to finalizing site plans for permitting.

Comments from the Kingston Town Planner and Kingston Planning Board, the Conservation Commission and others indicate that Smelt Pond is impaired by excessive nutrients and extensive growth of aquatic invasive plant species, predominantly Variable Water-milfoil (*Myriophyllum heterophyllum*). Comments from the Kingston Conservation Commission indicate that the proponent should consider an enhanced nutrient removal system for the septic system to avoid adverse impacts to surrounding wetland resource areas. The Jones River Watershed Association has recommended that the proponent support efforts to restore Smelt Pond.

Analysis of project impacts to Smelt Brook, including an assessment of wildlife and fisheries habitat and water quality, should incorporate impacts associated with Pond Properties. As noted in the previous Scope, the proponent should indicate whether it will develop a Restoration and Management Plan for Smelt Brook as suggested by the Jones River Watershed Association. In addition, the proponent should consider the impact of milfoil on recreational use of Smelt Pond and provide support for a Restoration and Management Plan for Smelt Pond which includes efforts to eradicate milfoil from the Pond. The EIR should identify how undeveloped areas, including wetland buffers, will be enhanced, managed and/or protected.

### Waterways

The project will require a Chapter 91 Permit for construction of the proposed dock within Smelt Pond, which is a Great Pond. The EIR should describe the purpose of the dock and whether it will be used as a recreational docking or launching facility or only used to provide access to pedestrians. It should include a detailed plan for the dock design and demonstrate that it will be designed consistent with the Waterways Regulations standards for structures within Great Ponds (310 CMR 9.32).

### Rare Species

As noted previously, the project site includes areas mapped as Priority Habitat of Rare Species. Comments from NHESP reiterate concerns regarding impacts to the Eastern Box Turtle habitat associated with proposed work in the southwestern portion of the 40 R project and the Davis parcel and identify specific concerns with the Pond Properties project. NHESP comments note that the Pond Properties project, as proposed, will result in direct loss of habitat associated with the development and habitat fragmentation resulting from the proposed access road. These comments also indicate that the proponent may need to conduct additional species surveys on the Pond Properties parcel.

The EIR should include the results of the surveys, identify impacts associated with the development, analyze alternatives to minimize impacts associated with the development and include a draft mitigation plan designed to meet permitting standards. The proponent should consult with the NHESP program regarding the rare species surveys, alternatives analysis and mitigation plan prior to filing the EIR.

The EIR should indicate whether any portion of the Pond Properties project will be preserved as open space and, if so, identify how it will be permanently protected. (e.g. placement of a conservation restriction (CR)). The EIR should include project plans that identify open space, conservation land and recreational trails.

### Water Supply

The EENF indicates that the project will require approximately 9,680 gpd of water from the municipal supply and include withdrawal of 3,950 gpd of water from on-site wells, presumably for irrigation. Water service will be provided by the Town of Kingston.

The EIR should identify all water supply infrastructure associated with the project and identify proposed mitigation measures to conserve water and minimize overall water demand.

An ENF (EEA #14100 Municipal Supply Well) was filed by the Town to withdraw water from Well 1-86 which will supply water for the 40R project. Comments from MassDEP indicate that it is developing a permit condition to be included in the Town's Water Management Act

(WMA) permit that will require the Town to coordinate hydrologic monitoring in conjunction with property owners and/or developers at the headwaters of Smelt Brook. These comments recommend that the proponent work with the Kingston Water Department to develop a coordinated approach to a hydrologic monitoring plan that will assure that any potential impacts to the Smelt Pond/ Smelt Brook system from ongoing and proposed projects, including Well 1-86 are minimized as development proceeds.

### Wastewater

The project will generate approximately 9,680 gpd of wastewater flow. The EENF indicates that project wastewater will be treated and discharged, initially, through an on-site septic system. When the expansion to the municipal wastewater treatment facility is permitted and completed and wastewater infrastructure for the 40R project has been completed, the NPC indicates that the proponent would seek authorization from the Town to connect to municipal wastewater.

The EIR will need to provide adequate technical information and analysis (i.e. a map of test pit and boring locations and soil logs), to demonstrate the feasibility of the on-site treatment septic system and ensure that consistency with regulatory standards can be addressed during MEPA review, including adequate separation between leaching fields and wetland resource areas and stormwater infiltration beds. The EIR should clearly present how wastewater estimates were generated and identify the number of bedrooms associated with the project.

MassDEP comments indicate that because the project will generate less than 10,000 gallons per day of wastewater and the proposed flows associated with the 40R project will be discharged to the municipal wastewater system the septic system may be permitted in conformance with 310 CMR 15.000, Title 5.

Comments from the Town of Kingston Board of Sewer Commissioners indicate that adequate wastewater capacity will not be available to serve the project in the future and that the proponent should maintain the proposed on-site septic system. The EIR should discuss the relative benefits of maintaining the septic system or discharging wastewater to the municipal system when that option is available (e.g. groundwater recharge, water pollution, preservation of wastewater capacity), and address capacity issues presented by the Town.

### Historic Resources

According to MHC, the project site is adjacent to two ancient archaeological sites that are listed on the Inventory of Historic and Archaeological Assets of the Commonwealth on account of their identification by avocational archaeologists; however, the two sites have not been subject to professional archaeological investigation. Areas near the project site (uplands on the north shore of Smelt Pond) have been determined to be archaeologically sensitive by researchers from the University of Massachusetts, and MHC furthermore believes that the site's environmental

characteristics make the site a good candidate for ancient and historic period Native American land use and occupation. MHC has requested that the proponent conduct an intensive (locational) archaeological survey to locate and identify any potential significant historical or archaeological resources that may be impacted by the project. I encourage the proponent discuss this request with MHC in order to determine if further study of archeological resources is warranted. However, I am not requiring an archaeological survey as part of the Scope for the EIR.

### Construction Period

The EIR should evaluate construction period impacts associated with the Pond Properties project including noise, impacts to vegetation, potential impacts from erosion and sedimentation and traffic impacts on adjacent roadways and identify appropriate mitigation. The EENF indicates that the proponent will require contractors to use on-road ultra low sulfur diesel (ULSD) fuel for Phase 1 of the project. I encourage the proponent to use the ULSD for all project phases including construction of the Pond Properties project.

### Mitigation

The EIR should include a separate chapter on mitigation measures. It should include a Draft Section 61 Finding for all state permits that includes a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation, and the identification of the parties responsible for implementing the mitigation. A schedule for the implementation of mitigation, based on the construction phases of the project, should also be included.

### Response to Comments

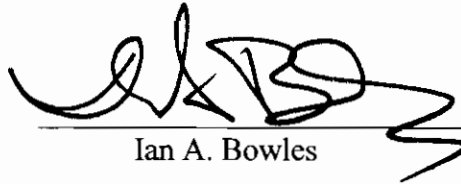
The EIR should contain a copy of this Certificate and a copy of each comment received on the NPC. The EIR should respond to the comments received to the extent that the comments are within MEPA jurisdiction. This directive is not intended to, and shall not be construed to, enlarge the scope of the EIR beyond what has been expressly identified in this Certificate. I recommend that the proponent use either an indexed response to comments format, or a direct narrative response. The EIR should present any additional narrative or analysis necessary to respond to the comments received.

Circulation

The EIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should be sent to any state agencies from which the proponent will seek permits or approvals, to the list of "comments received" below, and to Kingston officials. A copy of the EIR should be made available for review at the Kingston Public Library.

November 19, 2008

Date

  
Ian A. Bowles

## Comments Received:

11/12/08 Department of Environmental Protection/Southeast Regional Office  
(MassDEP/SERO)  
11/11/08 Division of Fisheries and Wildlife/Natural Heritage and Endangered Species Program  
(DFW/NHESP)  
11/14//08 Executive Office of Transportation (EOT)  
11/3/08 Massachusetts Historical Commission  
11/3/08 Town of Kingston/Board of Health  
10/28/08 Town of Kingston/Board of Sewer Commissioners  
11/10/08 Town of Kingston/Conservation Commission  
11/12/08 Town of Kingston/Town Planner and Kingston Planning Board  
11/10/08 Coler & Colantonio Inc. for the Kingston Board of Water Commissioners  
11/11/08 Jones River Watershed Association  
11/12/08 Anne Bingham Law on behalf of the Smelt Pond Neighborhood Association  
11/18/08 Anne Bingham Law on behalf of Helen Gavin  
11/9/08 Helen Gavin  
11/10/08 Mildred Leonardi

IAB/CDB/cdb