



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Central Regional Office • 8 New Bond Street, Worcester MA 01606 • 508-792-7650

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Lieutenant Governor

Matthew A. Beaton  
Secretary

Martin Suuberg  
Commissioner

February 13, 2018

Secretary Matthew A. Beaton  
Executive Office of Environmental Affairs  
100 Cambridge Street, 9<sup>th</sup> Floor  
Boston, MA 02114

Attention: MEPA Unit – Erin Flaherty

Re: Environmental Notification Form (ENF)  
The Preserve at Abbyville and Abbyville Commons  
Norfolk  
EEA #15796

Dear Secretary Beaton,

The Massachusetts Department of Environmental Protection's ("MassDEP") Central Regional Office has reviewed the ENF for the Preserve at Abbyville and Abbyville Commons Project (the "Project") in Norfolk. The Project is proposed by Abbyville Residential LLC and Abbyville Development LLC (collectively, the "Proponent"). The Project consists of the construction of 148 single-family homes and a 56-unit rental development on approximately 203 acres of land in Norfolk. The Project includes the construction of associated access roads and parking, a wastewater treatment facility and stormwater management system. An approximately 140-acre open space area is proposed. The Project will be designed in accordance with the Massachusetts Affordable Housing Law (Chapter 40B).

The construction of the Project is expected to result in the alteration of 43.74 acres of land; create 15.6 acres of impervious surfaces; generate 1,970 new average daily trips (adt); create 352 new parking spaces; impact 2,400 square feet (sf) of Riverfront area and 10 linear feet of Bank; increase water use by 62,920 gallons per day (gpd) and generate approximately 64,000 gpd of waste water.

The Project requires MEPA review and the submission of a Mandatory EIR and is subject to MEPA's Greenhouse Gas Policy.

The Project is under MEPA review because it meets or exceeds the following review threshold:

- 301 CMR 11.03(1)(a)(2) - Creation of ten or more acres of impervious area.
- 301 CMR 11.03(1)(b)(1) - Direct alteration of 25 or more acres of land.
- 301 CMR 11.03(5)(b)(3)(c) - ½ or more miles of new sewer main not within the right of way of existing roadways.
- 301 CMR 11.03(5)(b)(4)(c)(i) - New discharge to groundwater of 10,000 or more gpd of sewage within an area, zone or district established, delineated or identified as necessary or appropriate to protect a public drinking water supply.
- 301 CMR 11.03(6)(b)(14) - Generation of 1,000 or more new adt on roadways providing access

The Project requires the following State Agency Permits:

- MassDEP – Groundwater Discharge Permit

MassDEP offers the following comments on the Project:

### **Solid Waste**

The Proponent will be developing property that is adjacent to a listed disposal site with an Activity and Use Limitation (AUL) area, which is regulated under M.G.L.c.21E, and the Massachusetts Contingency Plan, 310 CMR 40.0000. Work on the Project may encounter contaminated media associated with the former mill buildings. Construction work near the disposal site should have direct oversight of a Licensed Site Professional (LSP) to monitor for the presence of contaminated soil. If contaminated soil is encountered the Proponent must manage and dispose of the soil per requirements of 310 CMR 40.0000. Contamination found outside the disposal site boundaries as defined in the September 4, 2001, Class A-3 Response Action Outcome Statement may require notification to MassDEP.

Bureau of Waste Site Clean Up (BWSC) conducted a comprehensive audit of the Class A-3 Response Action Outcome (RAO) Statement, submitted to MassDEP in August 2001. An AUL was applied to two portions of the disposal site. The disposal site encompasses 12 acres out of the approximate 203 acre property. The Project is entirely outside of the RAO boundary. On November 17 2017, BWSC issued a Notice of Noncompliance to Buckley & Mann, Inc. for violations involving the AUL documentation and failure to conduct an adequate ecological risk characterization. Buckley & Mann was given a deadline of May 17, 2018 to resolve the cited violations.

### **Wetlands**

The Project will alter 65 sf of Bordering Vegetated Wetlands and 10 linear feet of Bank at the location of a proposed floating dock, and 2,400 sf of Riverfront Area associated with vegetation maintenance along proposed walking paths. The ENF does not quantify or discuss impacts to Land Under Waterbody, however, impacts may occur if aquatic vegetation is shaded or removed at the dock location, or if supports are installed to anchor the dock. The Proponent estimates that 42,000 sf of Buffer Zone will be altered by the Project. Within the northeast portion of the Project, the 200-foot limit of Riverfront Area is more extensive on “Figure 7: Proposed Conditions” when compared to “Figure 6: Environmental Resources Map.” The ENF describes Riverfront Area impacts only as those related to the proposed walking trails, while Figure 7 depicts a stormwater infiltration basin and a portion of the wastewater treatment facility within Riverfront Area. The Proponent should correct inconsistencies between the ENF Site Plans and narrative.

The Proponent will be required to submit a Notice of Intent (NOI) for the proposed work to the Norfolk Conservation Commission and MassDEP. Upon receipt of the Notice of Intent filing, MassDEP may provide project-specific comments to the Norfolk Conservation Commission and the Proponent as part of the File Number Issuance Notification Letter. The Project shall be designed to meet all performance standards identified in the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00) for work proposed in each affected wetland resource area. The NOI for the project must include an alternatives analysis for all proposed Riverfront Area impacts.

The ENF does not discuss wetland replication as a proposed mitigation measure for impacts to Bordering Vegetated Wetlands. MassDEP recommends that wetland replication be incorporated into the final Project design. If Bordering Vegetated Wetland impacts are not replicated the Proponent may be required to obtain 401 Water Quality Certification from MassDEP. The Proponent should identify areas of degraded Riverfront Area on the property that could be restored as mitigation for proposed impacts to Riverfront Area.

The proposed stormwater management system will be comprised of deep sump catch basins, sediment forebays and detention/infiltration ponds. The ENF states that the site design is in full compliance with the Massachusetts Stormwater Standards. Given the presence of a Certified Vernal Pool and two Potential Vernal Pools within the immediate vicinity of the Project, MassDEP advises that the Proponent provide confirmation during the NOI review process that the proposed stormwater system and site grading will not adversely affect the hydrology of these vernal pools.

MassDEP recommends that the Proponent incorporate any anticipated repair or maintenance work to the Bush Pond Dam into the MEPA review and the forthcoming NOI filing. As stated in the Massachusetts Dam Removal Guidance, “The Executive Office of Energy and Environmental Affairs (EOEEA) is committed to restoring natural river ecology, re-establishing river continuity, and maintaining public safety, while avoiding inadvertent or adverse impacts to important natural and cultural resources. EOEEA considers the removal of out-dated dams – dams whose negative impacts outweigh their benefits – to be a critical mechanism in achieving these goals.”

## **Water Supply**

The Project proposes 62,920 gpd of drinking water use. The Town of Norfolk is regulated through MassDEP’s Water Management Program to withdraw a maximum of 0.57 million gallons per day (MGD) from March 2019 through February 2024 and 0.60 MGD from March 2024 through February 2029. Actual withdrawals from 2012 through 2016 ranged from 0.40 to 0.47 MGD. The Water Management Act (WMA) regulations require mitigation of withdrawals over a baseline volume. The baseline volume for Norfolk is 0.52 MGD; therefore, Norfolk will need to have an approved mitigation plan in place prior to withdrawing more than the baseline volume.

Treated wastewater from the Project will be disposed of through an on-site groundwater discharge. An 85% reduction in the volume required to be mitigated is allowed for WMA Permittees where wastewater is discharged to the ground. The mitigation projects proposed in the ENF may not be applicable as WMA mitigation because those projects are a result of the Project construction. Mitigation projects suitable for the WMA program are, for example, those that return developed land to an undeveloped state (i.e. removing impervious surfaces) or otherwise improve surface water habitat. Any potential WMA mitigation proposals should be submitted to MassDEP for consideration.

The Town of Norfolk is not currently able to meet its peak day demand with either its Spruce Road or Gold Street wells offline. The Town is currently pursuing the construction of a new wellfield to address this issue. A pumping test has been conducted on the wellfield, but the results of the test have not yet been submitted to MassDEP. Preliminary results of the pumping test were favorable and the Town expects to submit the relevant applications soon.

Two assessments of the water system hydraulics were included in the ENF, but the total average day demand that was reviewed was only 30,184 gpd. It is estimated that 1.94 miles of new water mains will be constructed to connect the Project to the Town of Norfolk's water system. If it is determined that a pump station is also needed, then the Town of Norfolk will need to submit a distribution system modification application to MassDEP for approval prior to construction.

The ENF does not discuss if irrigation is desired for the Project. Ornamental shrubs and grasses should be drought tolerant and irrigation minimized if used at all. The Proponent should consider the capture and reuse of stormwater for irrigation if needed.

## **Wastewater**

The Project's combined wastewater flow from the single-family homes at The Preserve at Abbyville and the apartments at Abbyville Commons will be collected through an on-site sewer system. Treated effluent will be discharged to the ground from a wastewater treatment facility permitted under the Groundwater Discharge Permit regulations at 314 CMR 5.00. Abbyville Commons will be comprised of 56 rental units consisting of (12) one-bedroom units, (40) two-bedroom units, and (4) three-bedroom units. The Preserve at Abbyville will be comprised of 148 individually owned homes consisting of (32) two-bedroom homes, (60) three-bedroom homes, and (56) four-bedroom homes. Total combined design flow based on the number of bedrooms is 62,920 gpd. The Proponent will be required to submit a groundwater discharge permit application (BRP WP 79) for MassDEP review and approval prior to any construction of wastewater-related appurtenances.

The Proponent submitted a hydrogeologic evaluation report to MassDEP on December 15, 2017, which provided detailed hydrogeologic information of the site. The Project site is within a delineated Zone II sensitive area. The Zone II is associated with the Town of Franklin's public water supply sources (PWS #2101000-04G, GP Well 4, and 2101000-05G). The Project will be served by Norfolk's municipal water supply. The Project is also in close proximity to Norfolk's potential water supply test well site. To assess impacts to Franklin's Miller Street public wells (2101000-04G and 2101000-05G) and the potential water supply test wells, the Proponent conducted a time of travel analysis. Franklin's wells are 6,740' north of the discharge and the new test wells are 1,730' north of the discharge. The time of travel to Franklin's well and the test wells are 3.61 years and 1.09 years respectively. MassDEP approved the hydrogeologic evaluation on January 17, 2018.

As a result of the discharge within a Zone II of a public water supply and also within the two-year travel time to Norfolk's test well site, the Proponent is required to meet the most stringent effluent requirements stated within 310 CMR 5.10(4A)(b), which include effluent limits of 5 mg/l total suspended solids, 2 NTU for turbidity, 10 mg/l of biochemical oxygen demand, 1 mg/l of total organic carbon, and 5 mg/l of total nitrogen and nitrate nitrogen. These are the most stringent limits within the groundwater discharge permit program. As part of the groundwater discharge permit application the Proponent will provide detailed plans and specifications of how these effluent limits can be met.

The Groundwater Discharge Permit regulations at 314 CMR 5.15 require a single responsible entity be the permittee responsible for the operation of the facility. If a privately owned wastewater treatment facility (PWTF) treats wastewater generated by activities that are owned or control by persons other than the single responsible entity, the Proponent shall demonstrate that all stakeholders share the financial and operation responsibilities for the PWTF. In the EIR, the Proponent should provide details of the proposed ownership of the PWTF, and whether a single responsible entity will be created. The EIR should also describe how the 48 single-family homeowners and the owner(s) of the apartment buildings will share financial and operational responsibilities for the PWTF. Additionally, as a permit requirement, the Proponent will need to develop a financial assurance mechanism (FAM) for the PWTF specifically designated as an immediate repair and replacement account. This escrow account managed by a third-party agent must be funded based on 25% of the estimated construction cost.

## **Air Quality**

### *Dust and Noise Control*

Clearing/grading operations and construction of buildings, parking areas and roadways/access ways have the potential to generate dust, odor and/or noise. The Proponent has adequately described the measures that will be taken to mitigate fugitive dust and noise in Table 10-1 and in Attachment E of the ENF.

### *Asbestos, Demolition and/or Solid Waste*

The Proponent has not identified any demolition activities in the ENF. However, in the Summary of Existing Conditions, the site plans, and the aerial photographs of the site, the existing concrete slabs and pavement on the property are shown and estimated to be 2.1 acres. The Proponent is advised that demolition activity must comply with both Solid Waste and Air Quality Control regulations.

In accordance with the revised Asbestos Regulations at 310 CMR 7.15(4), any owner or operator of a facility or facility component that contains suspect asbestos containing material (ACM) shall, prior to conducting any demolition or renovation, employ a DLS licensed asbestos inspector to thoroughly inspect the facility or facility component, to identify the presence, location and quantity of any ACM or suspect ACM and to prepare a written asbestos survey report.

Asphalt, brick and concrete (ABC) rubble, such as the rubble generated by the demolition of buildings must be handled in accordance with Massachusetts solid waste regulations. These regulations allow, and MassDEP encourages, the recycling/reuse of ABC rubble.

### *Greenhouse Gas (GHG) Emissions*

GHG mitigation measures outlined in the ENF have satisfactorily addressed GHG emissions pursuant to the GHG Emissions Policy and Protocol. The ENF residential design includes a specific list of energy efficiency measures for the building designs/operation, the use of environmental-friendly construction materials, recycling of construction and demolition debris where possible, as well as transportation mitigation measures.

The Proponent should not discount mitigation measures, even if it not currently feasible to quantify the GHG reduction impact, including: water conserving approaches such as low flow plumbing fixtures, gray water reuse, and low impact landscaping and irrigation designs. All these measures will be

considered when evaluating whether the Proponent mitigated GHG emissions to the greatest practicable extent.

MassDEP recommends that the Proponent also consider the following energy efficiency measures: the option of installing electric vehicle recharging stations; installation of lighting and climate controls, especially in the common areas in the rental units and in spaces that are occupied infrequently (such as storage areas); and use of directed, shielded, and non-blue-rich LED lighting (i.e. ‘warm-white’ LED lights) for exterior lighting to reduce glare, light pollution, and adverse effects on human vision and wildlife behavior.

MassDEP appreciates the opportunity to comment on the Project. If you have any questions regarding these comments, please do not hesitate to contact Stella Tamul, Central Regional Office MEPA Coordinator, at (508) 767-2763.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Mary Jude Pigsley".

Mary Jude Pigsley  
Regional Director

cc: Commissioner’s Office, MassDEP