

AMENDED NOTICE OF INTENT
PROSPECT HILL VILLAGE
LIMITED PROJECT STATUS
DEP FILE NO. 105-0968
OCTOBER 15, 2024

LIMITED PROJECT SUMMARY

The proposed project subject to this Notice of Intent is the construction of 156-unit townhouse development including the construction of roadways, utilities, stormwater management and other associated infrastructure and site grading (the "Project"). There are two aspects of the Project which meet the provisions of Limited Project pursuant to the Regulations at 310 CMR 10.53(3):

1. The construction of a proposed sewer force main from the project site to Blackmar Street to the sewer pumping station at Cross Street; and
2. The construction of the access roadway involving the reconstruction of an existing wetland crossing/culvert, including a box culvert compliant with Massachusetts Stream Crossing Standards and associated wetland replication in accordance with state and local wetland regulations.

With regard to No. 1, above, presently there is no municipal sewer available at the site. The construction of the sewer extension will consist of a sewer force main approximately 2,800 lf in length, at which time the sewer connection will become a gravity sewer main connecting down Blackmar Street to Cross Street to the sewer pumping station. A portion of the sewer force main will require temporary crossing of intermittent stream along with other wetland resource areas and buffer zones on the Property.

With regard to No. 2, above, a portion of the Project calls for the construction of an access roadway and reconstruction of an existing wetland/culvert crossing (the "Culvert Crossing") over the same intermittent stream as described in No. 1, above. The reconstruction of the existing Culvert Crossing will require the filling and/or alteration of approximately 580 square feet of BVW. The existing culvert crossing has been in use for over 60-years in connection with a gravel mining operation by Varney Bros. Sand & Gravel Co.

WETLAND REGULATION – 310 CMR 10.53

The Regulations at 310 CMR 10.53(3) permit certain “limited projects”, which provides the following:

10.53: General Provisions:

(3) Notwithstanding the provisions of 310 CMR 10.54 through 10.58 and 10.60, the Issuing Authority may issue an Order of Conditions and impose such conditions as will contribute to the interests identified in M.G.L. c. 131, § 40 permitting the following limited projects (although no such project may be permitted which will have any adverse effect on specified habitat sites of Rare Species, as identified by procedures established under 310 CMR 10.59). In determining whether to exercise its discretion to approve the limited projects listed in 310 CMR 10.53(3), the Issuing Authority shall consider the following factors: the magnitude of the alteration and the significance of the project site to the interests identified in M.G.L. c. 131, § 40, the availability of reasonable alternatives to the proposed activity, the extent to which adverse impacts are minimized, and the extent to which mitigation measures, including replication or restoration, are provided to contribute to the protection of the interests identified in M.G.L. c. 131, § 40.

Two such “limited projects” permitted is at 10.53(3)(d) which states the following:

(d) The construction, reconstruction, operation and maintenance of underground and overhead public utilities, such as electrical distribution or transmission lines, or communication, sewer, water and natural gas lines, may be permitted, in accordance with the following general conditions and any additional conditions deemed necessary by the issuing authority:

1. the issuing authority may require a reasonable alternative route with fewer adverse effects for a local distribution or connecting line not reviewed by the Energy Facilities Siting Council;
2. best available measures shall be used to minimize adverse effects during construction;
3. the surface vegetation and contours of the area shall be substantially restored; and
4. all sewer lines shall be constructed to minimize inflow and leakage.

AND

10.53(3)(e) which states the following

(e) The construction and maintenance of a new roadway or driveway of minimum legal and practical width acceptable to the planning board, where reasonable alternative means of access from a public way to an upland area of the same owner is unavailable. Such roadway or driveway shall be constructed in a manner which does not restrict the flow of water. Reasonable alternative means of access may include any previously or currently available alternatives such as realignment or reconfiguration of the project to conform to 310 CMR 10.54 through 10.58 or to otherwise minimize adverse impacts on resource areas. The issuing authority may require the applicant to utilize access over an adjacent parcel of land currently or formerly owned by the applicant, or in which the applicant has, or can obtain, an ownership interest. The applicant shall design the roadway or driveway according to the minimum length and width acceptable to the Planning Board, and shall present reasonable alternative means of access to the Board. The applicant shall provide replication of Effective 10/24/2014 310 CMR: DEPARTMENT OF ENVIRONMENTAL PROTECTION bordering vegetated wetlands and compensatory flood storage to the extent practicable. In the Certificate of Compliance, the issuing authority may continue a condition imposed in the Order of Conditions to prohibit further activities under 310 CMR 10.53(3)(e).

Based on the foregoing, the proposed construction of the sewer force main/gravity main, along with the roadway crossing with the reconstruction of the Existing Culvert qualify as “limited projects” pursuant to the Regulations at 310 CMR 10.53(3) (d) and (e).