



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>

March 7, 2008

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE 2nd NOTICE OF PROJECT CHANGE

PROJECT NAME :Gates Road
PROJECT MUNICIPALITY :Princeton
PROJECT WATERSHED :Nashua
EOEA NUMBER :13921R
PROJECT PROPONENT :Fox Hill Builders, Inc./Gallo Builders, Inc.
DATE NOTICED IN MONITOR :February 6, 2008

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.03 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).

Project History

The project as originally proposed involved the construction of a 36-lot residential subdivision on a 168-acre parcel of property located on Gates Road and Old Colony Road in Princeton. The residential subdivision project included approximately 3,100 linear feet (lf) of access drive and internal roadway with sidewalks, and related utilities and stormwater management infrastructure. The proponent located two separate site drives on Gates Road and on Old Colony Road to serve the proposed Gates Road project. The project's estimated water supply demand (15,840 gpd) and wastewater flows (15,840 gpd) will be served by individual private on-site water supply wells, and a private on-site package wastewater treatment facility in accordance with Massachusetts Title 5 regulations, respectively.

As described in the ENF, the project was proposed under the Town of Princeton's Open Space Development Plan zoning bylaw. According to the proponent, the development restrictions posed by the presence of rare species habitat, wetland resource areas and the Open Space Bylaw prevented additional development within the project site. As a result, approximately 70 acres (approximately 42%) of the project site would remain as permanent open space.

1st Notice of Project Change

In June 2007 the proponent filed a Notice of Project Change to construct 23 single family houses on 23 separate road frontage lots bordering on Gates Road (14 lots), and Old Colony Road (9 lots) in the Town of Princeton. I note that the Town of Princeton's existing zoning for the project site requires a minimum 2-acre lot size. The proponent proposed to construct individual on-site water supply wells and Title 5 waste water treatment systems to serve the project's potable water supply and wastewater management needs. The proponent also proposed to eliminate any on-site excavation of suitable sand and gravel material from the project site. **Although not described in the NPC document, in addition to the proposed 23-lot residential development project, the proponent received a preliminary site plan approval for the future development of a proposed 13-lot Gates Road Residential Subdivision on June 6, 2007. This 13-lot Gates Road Residential Subdivision was to be located within the project site's remaining 80-acres of interior developable land. After considering the factors cited in Section 11.01 of the MEPA regulations. The Secretary's Certificate on the NPC required that a Notice of Project Change (NPC) be filed with the MEPA Office for any future development proposal that may be proposed within the 168-acre project site. This NPC would need to discuss both the potential cumulative infrastructure impacts including but not limited to traffic, water supply, wastewater and wetlands, and site planning issues arising out of the proposed 23-lot residential development project and the full build-out development (allowable as-of-right under current local zoning) of the remaining 80-acre development parcel located within the 168-acre project site.**

The project is undergoing review pursuant to Sections 11.03 (1)(b)(1) and (2)(b)(2) of the MEPA regulations, because the project will result in the direct alteration of 25 or more acres (37 acres total) of land area, and result in the taking of an endangered species. The project may require a Groundwater Discharge Permit and a Water Quality Certificate from the Department of Environmental Protection (MassDEP). The project will also require Orders of Conditions from the Princeton Conservation Commission (and hence Superseding Order(s) from MassDEP if any local Orders were appealed). The project may also require a 401 Water Quality Certification from MassDEP.

2nd Notice of Project Change

As described in this 2nd Notice of Project Change (NPC2), the project has been significantly revised involves the proposed construction of a total of 8 residential building lots to be located on two limited development parcels (North Parcel – 4 lots, 18 acres, South Parcel – 4 lots, 18.55 acres), and approximately 132 acres of permanently protected open space.

Each of the 8 building lots with 16 surface parking spaces will be constructed with on-site water supply wells and Title 5 waste water treatment systems. Site drives to each of the proposed two limited development parcels will be located on Gates Road. The project includes the construction of approximately 950 lf of internal roadway, approximately 8 surface public parking spaces associated with improvements to the Midstate Trail, and stormwater management best management practices (BMPs). Approximately 26 acres of open space will be conveyed to Town of Princeton as Town Farmland, 94.5 acres will be conveyed to the Department of Conservation and Recreation (DCR) as State Forest, and approximately 11.0 acres will be conveyed to the Princeton Land Trust. 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 required to file the NPDES Stormwater General Permit Notice of Intent, including the SWPPP, with MassDEP for an Approval of Construction or Industrial General Permits that Discharge to Outstanding Resource Waters (ORWs) (BRP WM09). I encourage the proponent to continue to identify additional opportunities to further reduce the project's proposed land alteration.

The proponent is seeking financial assistance from the Commonwealth for the project. MEPA jurisdiction therefore extends to all aspects of the project that are within the subject matter of required or potentially required state permits and that have the potential to produce significant Damage to the Environment. In this case, MEPA jurisdiction extends to issues of land alteration, rare species, stormwater, and agricultural land.

Land Alteration/Open Space

As illustrated in the site plans submitted with the 2nd NPC, a total of approximately 132 acres of the project site (78.5%) has been permanently protected as town farmland (26 acres), State Forest (94.5 acres) and land held by the Princeton Land Trust (11.0 acres).

Rare Species

The project site is located within priority and estimated habitat for the American Bittern (*Botaurus lentiginosus*) and the Blanding's Turtle (*Emydoidea blandingii*). In their comments, the Natural Heritage and Endangered Species Program (NHESP) indicated that the project, as currently designed will result in significantly reduced impacts to endangered species habitat and improved open space protection. According to NHESP, the revised project design will not result in a "take" of state listed species. In their comment letter, NHESP has indicated that the American Bittern has been documented to use the existing agricultural lands/hayfields located south of Old Colony Road. NHESP has recommend that the proponent commit to a time-of-year (TOY) restriction for the cutting of this hayfield area from April 15–July 15 to avoid any impacts to the American Bittern. I adopt these comments as my own and will hereby require the proponent to commit to this TOY restriction as a condition of my finding that no further MEPA review is required for this project.

Wetlands

According to the information provided in the 2nd NPC submittal, the revised residential development project, including proposed improvements to the Midstate Trail and existing farm lands, will not result in impacts to wetland resource areas. The proponent has provided additional project information to the MEPA Office including a scaled project site map that delineates wetland boundaries and buffer zones on the site. According to the proponent, the project will result in impacts to approximately 97,700 sf of the 100-foot wetland buffer area. As depicted in the project site plans included in the 2nd NPC, a number of residential buildings, driveways are located partially or wholly within the 100-foot wetland buffer zone. I strongly encourage the proponent to consider placing deed restrictions on any residential properties that will be located within 600 feet of any vernal pools or within the 100-foot wetlands buffer zone as a method for avoiding future impacts from homeowner activities.

Stormwater

The proposed project site is located within the Ware Watershed and Wachusett Reservoir Watershed in Princeton. If the project's stormwater flows will discharge to Outstanding Resource Waters (ORW), the project will be subject to review by the DCR's Division of Water Supply Protection (DWSP) pursuant to the Watershed Protection Act (350 CMR 11.04). The proponent should continue to consult with the Massachusetts Division of Watershed Management for a determination of the wetlands and waterways located within and adjacent to the project site and their classification as Outstanding Resource Waters (ORW), and the project's permitability under the Watershed Protection Act. The proponent will need to demonstrate to MassDEP the consistency of the project's stormwater management plan with MassDEP revised Stormwater Management Standards (January 2, 2008) including best management practices (BMPs) approved for critical areas. Consideration of proposed project construction activities, including construction mitigation, erosion and sedimentation control, phased construction, flood control, and drainage discharges or overland flow into wetland areas, should be also be included as part of the project's stormwater management plans. In addition, a maintenance program for the stormwater management system will be needed to ensure its effectiveness. This maintenance program should outline the actual maintenance operations, responsible parties and back-up systems.

I encourage the proponent to continue to evaluate sustainable design alternatives such as Low Impact Development (LID) techniques in site design and stormwater management plans. LID techniques incorporate stormwater best management practices (BMPs) and can reduce impacts to land and water resources by conserving natural systems and hydrologic functions. The primary tools of LID are landscaping features and naturally vegetated areas, which encourage detention, infiltration and filtration of stormwater on-site. Other tools include water conservation and use of pervious surfaces. LID can also protect natural resources by incorporating wetlands, stream buffers and mature forests as project design features. For more information on LID, visit <http://www.mass.gov/envir/lid/>. Other LID resources include the national LID manual (Low Impact Development Design Strategies: An Integrated Design Approach), which can be found on the EPA website at: <http://www.epa.gov/owow/nps/lid/>.

Water/Wastewater

The project's water supply needs (approximately 4,500 gallons per day (gpd)) will be provided via individual privately owned water supply wells to be located in within each of the proposed 8 development lots. The proponent has also proposed to locate individual privately owned Title 5 systems within each of proposed residential development lot to serve the project's wastewater flows (4,500 gpd total wastewater flow), in accordance with Massachusetts Title 5 regulations. . The proponent will need to work closely with the Princeton Board of Health and Conservation Commission to determine the suitability of the project site's hydrogeology and groundwater resources to accommodate the project's water supply and wastewater treatment needs. I expect that the local review and permitting process will require the proponent to demonstrate that the proposed drawdown of the water table associated with the project's water withdrawals will not adversely impact the site's surface and subsurface hydrology, wetlands resource areas.

Agricultural Land

As described in the 2nd NPC submittal, the proposed project will maintain the continued use of approximately 27 acres of prime farmland and hayfields comprised of two separate parcels of property fronting on the north side and south side of Old Colony Road and west side of Gates Road. As described in the 2nd NPC submittal, this farmland has continued to be utilized as active hay fields.

Historic/Archaeological Resources

Many comments have been received on the ENF and the NPC for this project describing the historic and cultural significance of the Four Corners area of Princeton in which this project site is located. I encourage the proponent to consult with MHC in further developing its design and construction plans for the revised project design to avoid, minimize and mitigate the project's potential impacts to the historic setting of the Four Corners area of Princeton, and any remaining historic agricultural fields and buildings located within the project area. The proponent should also consult with the Princeton Historical Commission to ensure that the proposed development complies with local historic preservation bylaws.

Construction Period

The proponent is required to prepare a Stormwater Pollution Prevention Plan (SWPPP), which must clearly and reasonably delineate all areas to be 'altered', and describe the practices that will implemented to protect the resources during construction as well as upon completion of the project. The SWPPP should include an Erosion and Sedimentation Control Plan and design calculations to assess all drainage leaving the project site. The SWPPP must also include designation of areas where stockpiling of material and operations are to occur.

The construction methods implemented at the project site will need to be conducted in such a manner as to protect the Commonwealth's Outstanding Resource Waters (ORWs) from discharges associated with the proposed increased impervious areas as well as impacts associated with the construction phase of the development. The proponent should consult with the Town of Princeton, and MassDEP and others to ensure that the proponent will meet any performance standards associated with a federal NPDES permit for all proposed project construction activities.

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 2nd NPC has served to adequately disclose 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 in the permitting process.

March 7, 2008
Date


Ian A. Bowles, Secretary

cc: Senator Harriette L. Chandler
Representative Lew Evangelidis

- 02/20/08 Department of Environmental Protection (MassDEP)
- 02/26/08 Division of Fisheries & Wildlife – Natural Heritage and Endangered Species Program (NHESP)
- 02/26/08 Montachusett Regional Planning Commission
- 02/26/08 MassAudubon

IAB/NCZ/ncz
EEA #13921R 2nd NPC

