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May 22, 2009

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

PROJECT NAME : Walnut Grove Estates
PROJECT MUNICIPALITY : Hadley
PROJECT WATERSHED : Connecticut
EEA NUMBER : 13849R
PROJECT PROPONENT : Jeff Goulet
DATE NOTICED IN MONITOR : April 22, 2009

Pursuant to the Massachusetts Environmental Policy Act (M.G. L. c. 30, ss. 61-62I) 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).

As described in the Environmental Notification Form (ENF), the project consists of the development of a 69-parcel residential subdivision, a roadway with four cul-de-sacs, a stormwater management system, and extension of town water and sewer on a 150-acre parcel located on Mill Valley Road and South Maple Street in Hadley. The project will also include a 31-acre conservation restriction along the Fort River and its tributaries and 45 acres of designated agricultural land. The project site contains mapped habitat for rare or endangered species according to the Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program (NHESP). Approximately 145 acres of the 150-acre project site is currently in active agricultural use (hay and feed corn crops); 70 acres of the 145 will be converted to residential use and road infrastructure as part of the project.

Estimated environmental impacts associated with the project include 47.7 acres of land alteration, 9.63 acres of new impervious area, 2,550 square feet (sf) of Bordering Vegetated Wetland (BVW) alteration, 205 linear feet of impact of inland Bank, approximately 2.1 miles of new sewer main, and a “take” of Wood Turtle habitat as defined by the Massachusetts Endangered Species Act (MESA, M.G.L.c.131A). The Proponent has been actively working with both the NHESP and the Department of Agricultural Resources (DAR) to effectively balance the preservation of both agricultural and rare species habitat interests on the project site.

Jurisdiction

The project is undergoing review pursuant to Sections 11.03(1)(b)(1), 11.03(1)(b)(2), 11.03(1)(b)(4), 11.03(2)(b)(2), and 11.03(5)(b)(3)(c) of the MEPA regulations as the project will require State agency action and result in: the direct alteration of 25 or more acres of land, the creation of five or more acres of impervious area, the conversion of land in active agricultural use to nonagricultural use, the disturbance of greater than two acres of designated priority habitat that results in a “take” of a State-listed species, and the creation of ½ or more miles of sewer main not located in the right of way of existing roadways. The project will require an Order of Conditions from the Hadley Conservation Commission, or in the case of an appeal, a Superseding Order of Conditions from the Massachusetts Department of Environmental Protection (MassDEP). The project will also require a Sewer Connection/Extension (BRP WP 71) from MassDEP. The project may require a Section 401 Water Quality Certification (WQC) issued by MassDEP under the Real Estate Subdivision of Land provision within the regulations (314 CMR 9.00). The project must obtain a Conservation and Management Permit in accordance with MESA from the NHESP. The project will also require a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the United States Environmental Protection Agency (U.S. EPA).

Because the Proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that are within the subject matter of required or potentially required state permits and that may cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction exists over land alteration, rare species, wastewater, wetlands, and stormwater.

Land Alteration

Under existing conditions, the majority of the project site is used for agricultural purposes, with drainage ditches and wetlands crossings for farm equipment. The site is actively farmed, with some areas of agricultural-related soil disturbance close to the Fort River and its tributaries. Under proposed conditions, a conservation restriction will be placed on approximately 31 acres of land located closest to the Fort River, associated tributaries (on-site drainage ditches), and areas of known Wood Turtle habitat. An additional 45 acres of land will be placed in an Agricultural Preservation Restriction (APR) and will remain under active agricultural use. The APR land will be subject to an approved Farm Plan prepared in accordance with the Natural Resources Conservation Service (NRCS) guidelines.

I encourage the Proponent to continue working with the NHESP and DAR to ensure that the conditions of both the conservation restriction and the APR work together to achieve the dual goal of both on-site habitat preservation and agriculture use. Additionally, in an effort to further reduce land alteration and impervious area impacts, I encourage the Proponent to pursue design opportunities such as Low Impact Development (LID) stormwater techniques, to limit project impact, and continue to explore ways to pull development areas away from sensitive wetland resource areas. The Proponent should consider the feasibility of providing enhanced pedestrian connections to the nearby Route 9 corridor (either sidewalks or bicycle connections) during the local planning review process.

Rare Species

As noted in the NHESP comment letter, the project will directly impact the Wood Turtle habitat. The Wood Turtle is protected pursuant to MESA and its implementing regulations at 321 CMR 10.00. According to the ENF, the Proponent performed a wildlife habitat assessment and conducted a series of Wood Turtle surveys to determine the range of Wood Turtle movement within the project site. Information from these surveys and assessments were used to determine the location of the proposed conservation restriction and APR, and to assist in the preparation of a Conservation Management Plan.

The Proponent has been working with the NHESP to develop a Conservation and Management Plan for the Wood Turtle on the project site. Mitigation measures include the creation of the 31-acre conservation restriction and a 45-acre APR for adjacent farmland, both areas acknowledged as habitat for Wood Turtles. Additionally, the Proponent will provide for the long-term management of Wood Turtle habitat within the conservation restriction, and prepare a Wood Turtle protection plan for implementation during the construction period. The NHESP has indicated that if the Conservation and Management Permit application is consistent with the aforementioned mitigation measures, they anticipate being able to issue a MESA Conservation and Management Permit for the project.

Wastewater

The project will result in the generation of approximately 26,500 gallons per day (gpd) of wastewater from the single family homes. Disposal of the wastewater will be to the Hadley sewer system via an estimated 2.1 mile extension of the existing municipal system. MassDEP has indicated that the Proponent must submit a permit application (*BRP WP 71 Sewer Extension Permit Greater than 1,000 feet*) for approval. If pump stations will be incorporated into system design, the permit plans should include pump station design drawings and an indication as to whether or not the pump stations will be privately or municipally owned. The Proponent must receive approval from the Hadley Wastewater Department for the extension.

Wetlands and Stormwater

The project must file a Notice of Intent (NOI) with the Hadley Conservation Commission. The NOI should demonstrate that the General Performance Standards (as defined at 310 CMR 10.04) for jurisdictional Resource Areas have been met and that the project complies with MassDEP's Stormwater Management regulations. The project will include several stream crossings, some of which are presently used by the on-site agricultural operations. These new or improved stream crossings must be designed in accordance with the General Standards in the *Massachusetts River and Stream Crossing Guidelines*. Wetland replication areas should be planned and constructed in accordance with the *MassDEP's Inland Wetland Replication Guidelines*.

The project will manage stormwater through the use of detention basins and the use of Best Management Practices (BMPs) such as street sweeping, deep sump catch basins, and rain gardens. At the MEPA site visit, the Proponent indicated that additional LID stormwater measures were being considered for use on site, contingent upon the results of soil testing. I encourage the Proponent to thoroughly evaluate all stormwater management options on-site with consideration of the proximity of the proposed uses to the on-site streams. The project will be required to comply with Standard #6 of the MassDEP Stormwater Management regulations as the site is located within a Zone II of a Public Water Supply (PWS).

The Proponent should consult with MassDEP to confirm the requirement to obtain a Section 401 WQC for the project. If applicable, the Section 401 WQC application should include sufficient information to adequately describe cumulative impacts to "Waters of the United States within the Commonwealth" and how impacts will be avoided, minimized and mitigated.


Construction Period

As noted previously, construction management plans will be required to ensure protection of both individual Wood Turtles and their habitat during the construction period. It is anticipated that construction period protocols will be prepared in a manner consistent with the terms of the Conservation Management Permit, the conservation restriction and the APR. Furthermore, the project will require the preparation of a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the NPDES Construction General Permit to outline BMPs to control erosion and sedimentation during the construction period.

I encourage the Proponent to consider participation in the MassDEP Diesel Retrofit Program to mitigate the construction period impacts of diesel emissions. MassDEP staff is available to assist in the implementation of construction period diesel emission mitigation, which could include the installation of after-engine emission controls such as diesel oxidation catalysts (DOCs) or diesel particulate filters (DPFs). Additionally, I strongly encourage that construction equipment operate on Ultra low sulfur diesel (ULSD) fuel, which will be required for off-road engines in 2010.

Based on the information in the ENF and after consultation with relevant public agencies, I find that no further MEPA review is required at this time. The project may proceed to State permitting.

May 22, 2009
Date



Ian A. Bowles

Comments received:

05/11/2009	Massachusetts Division of Fisheries and Wildlife – Natural Heritage and Endangered Species Program
05/12/2009	Hadley Conservation Commission
05/12/2009	Massachusetts Department of Agriculture Resources
05/12/2009	Pioneer Valley Planning Commission
05/18/2009	Massachusetts Department of Environmental Protection – WERO

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