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August 9, 2006

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

PROJECT NAME: Churchill Estates  
PROJECT MUNICIPALITY: Pittsfield  
PROJECT WATERSHED: Housatonic  
EOEA NUMBER: 13834  
PROJECT PROPONENT: Berkshire Central Land Development, LLC  
DATE NOTICED IN MONITOR: July 10, 2006

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) 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 outlined in the Environmental Notification Form (ENF), the project proposes a 39-lot subdivision on a 54-acre site off Churchill Street in the northwest corner of Pittsfield. The project site is located in the northwest corner of the City of Pittsfield, with the northerly boundary of the parcel being the Town line of Lanesborough. The southwest quadrant of the property has been mined of gravel. Daniels Brook, a perennial stream, flows north to south along the eastern boundary of the property. At this time the subdivision plan consists of only the design for the road and the stormwater drainage system. Buyers of the individual lots will be responsible for developing their property. According to the ENF, the proposed residences will be served by Title 5 compliant individual septic systems and will receive drinking water from the City of Pittsfield. Access to the site will be provided via a single boulevard entrance and exit off Churchill Street.

The project is undergoing environmental review pursuant to Section 11.03(1)(b)(2) of the MEPA regulations because it will result in the creation of more than 5 acres of new impervious surface. The project requires a National Pollutant Discharge Elimination System (NPDES) Construction Activities Permit from the U.S. Environmental Protection Agency (EPA); an Order

of Conditions from the Pittsfield Conservation Commission, and therefore a Superceding Order of Conditions from the Department of Environmental Protection (DEP) if the local Order is appealed; and Subdivision Approval from the Pittsfield Planning Board. The project may also require approval from DEP for a shared sewer system if individual septic systems are not feasible.

The proponent is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction applies to those aspects of the project within the subject matter of required or potentially required state permits with the potential to cause damage to the environment. In this case, MEPA jurisdiction extends to land alteration, stormwater, wetlands and potentially wastewater.

The ENF provided a very limited amount of information about the project. Comments submitted by the City of Pittsfield Department of Community Development indicate that there are many outstanding issues related to project design that must be clarified during local project review. I also note comments from the Berkshire Regional Planning Commission (BRPC) that the project is not consistent with the *Regional Plan for the Berkshires*, and that the density of the proposed subdivision is out of character with the area of the project site. As some elements of the project are conceptual at this point, the proponent should note that changes to the project as proposed in the ENF may require a Notice of Project Change pursuant to Section 11.10 of the MEPA regulations.

#### Stormwater

The project will result in the alteration of 15.5 acres of land and the creation of 7.3 acres of new impervious surface. The proponent should note comments from the BRPC regarding land alteration calculations and should refine these numbers during the local review process. The proponent has estimated that the footprint of buildings will add up to 1.9 acres of impervious surface and that roadways, parking and other paved areas will account for 5.4 acres of new impervious. The methodology used to calculate these figures was not included in the ENF. As the exact square footage of the final impervious areas is unknown at this time, due to the fact that each lot will be designed and constructed by individual land owners, it is difficult to assess if the size of the stormwater system is adequately designed. The proponent should consider conditioning a maximum cover for each lot to the deeds of the lots to ensure proper stormwater treatment.

The proponent has stated that it intends to use Low Impact Development (LID) design techniques at the site. Stormwater is proposed to be contained and treated on site using a combination of grassed swales along roadways, deeps sump catchbasins, and underground infiltration chamber systems. Deed conditions will require each property owner to maintain the swales in a managed grassy state, while a homeowner association will be responsible for maintenance of all other aspects of the stormwater management system. The proponent does not discuss in the ENF how the project will meet the standards of DEP's Stormwater Management Policy. Compliance with the Policy should be reviewed by the Pittsfield Conservation Commission and Community Development Board during the local review process.

The project will require a NPDES permit, along with the submission of a Stormwater Pollution Prevention Plan.

### Wetlands

Jurisdictional resource areas on the site include Riverfront Area, Bordering Land Subject to Flooding, Bank, Land Under Water, and Bordering Vegetated Wetlands. Daniels Brook, a perennial stream that is a tributary to Onota Lake, flows along the eastern portion of the site. A small pond currently exists on the property that was observed at the MEPA site visit for the project on July 26, 2006. It is unclear whether the pond and its outlet are jurisdictional wetland resource areas. The proponent has already submitted a Notice of Intent to the Pittsfield Conservation Commission which is currently under review. However, in response to comments from DEP, the proponent should first seek approval from the Commission for the delineation of all resource areas on site through a Notice of Resource Area Delineation.

According to the ENF, 7,924 square feet (sf) of development will occur in the Riverfront Area. Site work within the Riverfront Area is necessary for the installation of the water main and will include excavating two temporary pits for the horizontal directional drilling of the main under Daniels Brook. In addition, the installation of a stormwater detention system and the construction of the cul-de-sac at the end of Marisa Lane will also occur within the Riverfront Area. The proponent should consider shortening the Marisa Lane cul-de-sac so that work is not necessary in the inner riparian zone. The proponent states that 600 sf of impact resulting from the installation of the stormwater basin will be temporary in nature. However, the infiltration system will require the removal of existing soils and the replacement of the soils with crushed stone, perforated half-pipes and backfill. This is a permanent impact and should be calculated as such by the proponent in filings to the City of Pittsfield.

A linear lot running along a portion of the brook between the brook and the development is to be set aside as open space. In addition, the proponent has stated that deed restrictions will be placed on lots within 200 feet of the stream that will prohibit development. However, because the location and footprints of buildings, septic systems, driveways and other structures are not yet designed, it is difficult to assess the impacts of the project on the Riverfront Area and other wetlands.

### Wastewater

Wastewater for the project is proposed to be discharged through individual septic systems. In the event that developers proceed with a common sewer system for multiple lots with a common sewer line, the project would require approval from DEP for the shared system. Following the site visit for the project, the proponent submitted additional information to MEPA and the ENF distribution list regarding the proposed septic systems and the applicability of Title 5 for the project.

The project site is located atop a medium-yield aquifer. The ENF does not discuss how the septic systems will be monitored and maintained to protect water quality in the aquifer. Concerns have also been raised about potential negative impacts of the 39 septic systems on

Daniels Brook and Onota Lake. According to discussions held at the site visit, the proponent is conducting a hydrologic study of the site that should be forwarded to DEP, City officials and the BRPC once complete. The proponent should note suggestions from the BRPC for topics to be addressed in the study. The City of Pittsfield has stated that the proponent will need to evaluate the option of extending the City's sewer line to Peck's Road to service the development. If connecting to the municipal sewer becomes the preferred alternative, the proponent may need to file an NPC pursuant to Section 11.03(5) of the MEPA regulations.

### Conclusion

Based on a review of the information provided by the proponent, and comments from relevant public agencies, I find that the potential impacts of this project do not warrant the preparation of an Environmental Impact Report. I expect that the proponent will consult with the appropriate local and state agencies to resolve the issues identified in this Certificate and in comments.

August 9, 2006

Date

  
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Stephen R. Pritchard

### Comments Received:

7/10/2006	Robert B. Tynan, White Engineering Inc, for the Proponent
7/26/2006	Lake Onota Preservation Association, Inc.
7/27/2006	Robert B. Tynan, White Engineering Inc, for the Proponent
7/31/2006	Department of Environmental Protection, Western Regional Office
7/31/2006	City of Pittsfield, Department of Community Development
7/31/2006	Berkshire Environmental Action Team
8/3/2006	Berkshire Regional Planning Commission

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