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February 8, 2007

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

PROJECT NAME : Skinner, Inc.
PROJECT MUNICIPALITY : Bolton
PROJECT WATERSHED : Concord River
EOEA NUMBER : 13926
PROJECT PROPONENT : Skinner Inc.
DATE NOTICED IN MONITOR : December 23, 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). However, a Notice of Project Change may be required as described below, depending on the outcome of further studies and consultations between the proponent and the Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP).

The proposed project consists of construction of a 50,000 square foot (sf) building to accommodate a warehouse, offices, and auction room, and associated infrastructure including a 60,000 sf parking area, grading, utilities, a public water supply well, and new onsite sewage disposal system. The new building will replace an existing 26,000 sf structure on an approximately 18-acre parcel. Approximately 3 acres of this parcel will be placed under a Conservation Restriction (CR). The project also includes construction of a single-family home on an adjacent parcel (approximately 35 acres). Approximately 23.55 acres of this adjacent parcel will be placed under a CR. The 53-acre project site includes priority and estimated habitat of state-listed species. Impacts associated with the project include approximately 6.2 acres of land alteration, including 3.62 acres of new impervious area. The project involves alterations to buffer zone of bordering vegetated wetlands, and approximately 0.4 acres of Riverfront alteration.

The project is undergoing review pursuant to Section 11.03 (2)(b)(2) because it may result in a “take” of an endangered or threatened species or species of special concern. The project requires an Order of Conditions from the Bolton Conservation Commission (and, on appeal only, a Superceding Order from the Massachusetts Department of Environmental Protection (MassDEP)). The project also requires a New Source Approval and other water supply permits from MassDEP. The project is subject to review under the Massachusetts Endangered Species Act (MESA) and may require a Conservation and Management Permit from the NHESP.

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 state permits with the potential to cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to rare species, water supply, wetlands, land, stormwater and drainage.

Rare Species

The project as proposed is located within actual habitat of the Marbled Salamander (*Ambystoma opacum*), which is listed as a “threatened” species and is protected pursuant to the Massachusetts Endangered Species Act (MESA) (M.G.L. c.131A) and its implementing regulations (321 CMR 10.00). The NHESP has expressed concern about the loss of forested upland near potential breeding sites north of the proposed auction house. Project-related activities in forested areas may result in disruption of migratory behavior and loss of overwintering and migratory habitat. The proponent should provide NHESP with an evaluation of alternatives that avoid and minimize the loss of forested habitat north of the existing auction house building. Additional information and analysis is also needed to assess potential impacts of the proposed well on the hydrology of a potential Marbled Salamander breeding pool (located within 150 feet of the proposed well). The proponent should provide NHESP with a hydrology report that indicates what impact the proposed well will have on the surrounding wetlands.

As further detailed in the NHESP comment letter, the proponent is required to submit a filing to NHESP for review (321 CMR 10.18). NHESP will determine whether the project will result in a “take” and if so, it may be possible to redesign the project to avoid a “take” of state-listed rare species. A project resulting in a “take” may only be permitted if it meets the performance standards for a Conservation and Management Permit under MESA.

The proponent should continue consultations with NHESP and modify project design to avoid and minimize loss of forested habitat and meet applicable permit requirements. The proponent should also consult with NHESP regarding potential impacts associated with the proposed well. If the well is found to adversely impact vernal pool habitat of state-listed species, it is unlikely that a Conservation and Management Permit could be issued, and the well may need to be relocated. If the NHESP determines that the proposed water supply well could result in a “take”, the proponent should submit a Notice of Project Change (NPC) pursuant to Section 11.10 of the MEPA regulations. The NPC should describe how the project will be designed to avoid a “take” or to meet the performance standards for a Conservation and Management Permit

under MESA. The NPC should describe proposed changes in project design, including any change in well location, and include clear commitments to mitigation. The NPC should include a hydrology report and address potential impacts associated with the well, including wetlands and rare species impacts. If the NPC proposes a new location for the well, it should address potential interactions with the proposed on-site wastewater disposal system, and discuss compatibility of these project components.

Water Supply and Wastewater

The proponent should consult with the MassDEP to clarify water demand estimates for the project. In its comment letter, MassDEP indicates that demand estimates provided in the ENF are inconsistent with the WS13 Site Source/Conduct Pump Test Permit approval (issued by MassDEP on November 21, 2006). The permit states that the water demand for the expanded facility is 1,500 gallons per day (gpd). However, the ENF states that current demand is 1,440 gpd, the increase in demand will be 2,050 gpd, and total demand will be 2,490 gpd. Based on the ENF, it appears that total demand would be 3,490 gpd. All figures in the ENF are inconsistent with the pump test approval and should be clarified with MassDEP and with NHESP. As noted by MassDEP in its comment letter, the proposed leach field for the wastewater system is located outside any Interim Wellhead Protection Areas of the site. Therefore, the proposed Title 5 system will be reviewed and approved by the local Board of Health and will not require a MassDEP permit.

Stormwater Management

According to the ENF, the stormwater system for the proposed new facility is being designed to meet MassDEP's Stormwater Management Policy Standards and maintain the natural drainage pattern to the extent feasible. The ENF proposes a closed drainage system with infiltration rather than use of roadside swales, which would require extensive grading and tree removal. The proponent has committed to implementing erosion and sedimentation controls during construction, and an operation and maintenance plan to ensure that the stormwater system functions as designed. The ENF indicates that the proposed single-family home is not subject to the MassDEP Stormwater Management Policy Standards. The proponent should ensure that stormwater associated with this component of the project is properly managed to avoid and minimize adverse impacts to nearby wetlands and rare species habitat.

Sustainable Design

I encourage the proponent to minimize tree clearing to ensure adequate buffers between the project, surrounding neighbors and Route 117, and to consider pervious pavement and reduction of parking spaces as recommended by Bolton's Town Planner. I also encourage the proponent to consider high performance/green building and other sustainable design measures, which can provide environmental and economic benefits. Such measures may include:

- Leadership in Energy and Environmental Design (LEED) certification;
- water conservation and reuse of wastewater and stormwater;

- use of Low Impact Development (LID) techniques (the proponent may find the following web sites useful www.mass.gov/envir/lid and www.lid-stormwater.net);
- ecological landscaping;
- green roofs;
- optimization of natural day lighting, passive solar gain, and natural cooling;
- use of energy efficient Heating, Ventilation and Air Conditioning (HVAC) and lighting systems, appliances and other equipment, and use of solar preheating of makeup air;
- favoring building supplies and materials that are non-toxic, made from recycled materials, and made with low embodied energy;
- implementation of a solid waste minimization and management plan; and
- provision of easily accessible and user-friendly recycling system infrastructure.

The ENF has defined the nature and general elements of the project and proposed measures to avoid and minimize, or mitigate environmental impacts. While most outstanding issues can be adequately addressed during the state and local permit and review processes, it is not yet clear what impacts the proposed well might have on rare species habitat or whether the well may need to be relocated. The proposed project may proceed to state permitting agencies and requires no further review under MEPA providing that NHESP is satisfied that the proposed water supply well will not result in a "take". If NHESP determines that the proposed well could result in a "take", a NPC will be required as outlined above.

February 8, 2007

DATE



Ian A. Bowles, Secretary

Comments Received:

1/12/07	Nathaniel Tipton, Town Planner, Bolton
1/29/07	Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program
1/31/07	Massachusetts Department of Environmental Protection, Central Regional Office

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