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March 7, 2008

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

PROJECT NAME : Chic-A-Tee Farm, Lot 11  
PROJECT MUNICIPALITY : Pepperell  
PROJECT WATERSHED : Nissititit  
EOEA NUMBER : 14171  
PROJECT PROPONENT : **Dominic and Lynn Pellegrino**  
DATE NOTICED IN MONITOR : January 23, 2008

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 determine that this project **does not require** the preparation of an Environmental Impact Report (EIR). However, significant issues remain to be resolved in project permitting.

Project Description

As described in the Environmental Notification Form (ENF), the project involves the construction of a single family house (approximately 4,000 square feet (sf)), a 4-stall horse barn (1,750 sf), 4 horse paddocks (approximately 17,650 sf total), an open pasture turn-out (approximately 3.1 acres total), an on-site Title 5 compliant septic system, stormwater management infrastructure including 1 stormwater detention basin and stormwater best management practices (BMPs), and associated utilities on a 12.03-acre parcel of property located at 5 Old farm Road off Prescott Street in Pepperell. The project's estimated water supply needs (440 gpd) will be served by the Town of Pepperell.



The project is located within the Squannassit Area of Critical Environmental Concern (ACEC) and borders on the southwest bank of the Nissitissit River, and Outstanding Resource Water (ORW) containing a native trout cold water fishery.

The project is undergoing review pursuant to 301 C.M.R. 11.03 (3)(b)(1)(c) of the MEPA regulations because it involves the direct alteration of 1000 sf or more of outstanding resource waters (ORW). The project received a denial of an Order of Conditions from the Pepperell Conservation Commission which has been appealed by the proponent to MassDEP for a Superseding Order of Conditions. MassDEP is currently reviewing the proponent's application for the issuance of a Superseding Order of Conditions. The project must comply with the National Pollution Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over one acre. The project may require a Conservation and Management Permit from the Natural Heritage and Endangered Species Program. The project site is located within and adjacent to actual habitat for state-listed rare species.

The proponent is not seeking state funding or financial assistance for the proposed project. MEPA jurisdiction therefore is limited to those aspects of the project within the subject matter of any required or potentially required state permits that have the potential to produce significant damage to the environment (wetlands, rare species, and water quality).

#### Land Alteration

As noted elsewhere in this Certificate, the 12-acre project site is located within the Squannassit Area of Critical Environmental Concern (ACEC) and borders on the steeply-sloped southwest bank of the Nissitissit River, and Outstanding Resource Water (ORW). According to the project site plans included in the ENF submittal, significant portions of the proposed new paddocks, pasture turn out and stormwater management system, involving clear cutting of forested lands, appear to be located within the 100' wetland buffer area, the 200' Riverfront Area, and rare species habitat. The proponent will need to include any alternatives analyses necessary for the MassDEP permitting process. Specifically, the proponent will need to investigate alternative site layouts, including a reduced build alternative that minimizes to the maximum extent practicable impacts to bordering vegetated wetlands, wetlands resource buffers, Riverfront Areas, and rare species habitat areas. In response to the numerous comments on the ENF, riding trails and equestrian activities will be marked and located more than 100 feet from stream banks. Marked trails will help to avoid crossing wetland resource areas to ensure that impacts on wetlands and ORWs are properly avoided or minimized.

#### Wetlands and Water Resources

According to comments received from MassDEP and others, the entire project site is located within the Squannassit Area of Critical Environmental Concern (ACEC) and borders on the southwest bank of the Nissitissit River, an Outstanding Resource Water (ORW).

The proponent should respond to the comments received from MassDEP, the Pepperell Conservation Commission, NHESP and others regarding the project's proposed equestrian activities to ensure that project impacts on wetlands, the Nissitissit River ORW, rare species habitat and Riverfront Area are properly avoided or minimized. The proponent should consult with MassDEP to design a stormwater management plan for the proposed project that will result in providing a higher degree of protection to the Nissitissit River. The project's proposed equestrian facilities must be designed to be consistent with MassDEP's guidelines and Best Management Practices for Stables and Pastures. The proponent will be required to submit an alternative analysis to MassDEP as part of the 401 Water Quality Certification required for this project and will need to demonstrate to MassDEP the project's consistency with the performance standards for filling of an ORW pursuant to 314 CMR 9.06(3)(e)(3). In so doing, the proponent will need to satisfactorily demonstrate to MassDEP that the proponent has investigated all feasible methods of further avoiding, reducing, or minimizing project construction impacts to wetland resource areas, watershed protection areas, and the creation of impervious surface area.

### Rare Species

According to comments received from the State's Natural Heritage and Endangered Species Program (NHESP), most of the project site including significant portions of the proposed new house, barn, paddock area, and pasture turn out is also located within estimated and priority habitat for Blanding's Turtle (*Emydoidea blandingii*), Wood Turtle (*Glyptemys insculpta*), Triangle Floater (*Alasmidonta undulate*), Brook Floater (*Alasmidonta varicosa*), Brook Snaketail (*Ophiogomphus asperses*), and Spine-crowned Clubtail (*Gomphus abbreviatus*). NHESP has indicated that the project design has undergone further revisions subsequent to the completion of NHESP's initial July 2007 review of the proponent's project plans. NHESP has expressed concern for the revised project's potential impacts to soil erosion, sedimentation and nutrient loading to bordering wetland resource areas, the Nissitissit River, and state-listed area species habitat.

I ask that the proponent continue to consult with NHESP and the Pepperell Conservation Commission during final project design to identify necessary project construction and post-construction conditions and commitments to maintain an intact buffer of natural vegetation around the shorelines of existing surface water resources, and limit clearing of natural forest vegetation within the 100-foot wetland buffer portions of the project site to avoid an adverse impact to resource area habitats of state-listed species located within and adjacent to the project site. According to the information contained in the ENF, the proponent continues to work closely with NHESP to design a deed restriction 'Habitat & Open Space Conservation Covenants' for the project site that provides for the permanent protection of approximately 10 acres (83%) of the project site (Conservation Restriction Area) comprised of Riverfront Area 100-foot wetland buffer, and actual habitat for state-listed turtle species (Blanding's Turtle, Wood Turtle). The proponent should forward a copy of the final deed restriction and corresponding site plan to the MEPA Office for the project file.

The project may require a Conservation and Management Permit from NHESP in the event a deed restriction providing for the permanent protection of the habitats of state-listed species located within and adjacent to the project site cannot be designed and implemented.

### Stormwater

According to the proponent, the project's stormwater management plan has been designed to meet MassDEP's Stormwater Management Policy guidelines, and will include the use of one stormwater detention basin, and Best Management Practices (BMPs) to collect, treat and discharge stormwater within the project site. The proponent will need to work closely with MassDEP during final project design to ensure that the proponent's stormwater management plan is consistent with MassDEP's Stormwater Management Policy guidelines, and contains adequate stormwater pollution protection measures to prevent or minimize impacts to the ORW. MassDEP's permit process should contain conditions relative to the coordination of all work to be permitted for this site.

Based on the information provided by the proponent and consultation with relevant public agencies, I conclude that no further MEPA review is required. The proponent can resolve any remaining issues regarding the wetlands delineation for the project site, potential impacts to rare species habitats, and the design and implementation of the proponent's proposed sedimentation and stormwater management plans with MassDEP and NHESP. The review of the ENF has served adequately to disclose potential impacts and mitigation, and to demonstrate that project impacts do not warrant the preparation of an Environmental Impact Report.

March 7, 2008  
DATE

  
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Ian A. Bowles, Secretary *to*

Comments received: (continued on next page)

01/31/08	Pepperell Conservation Commission
01/31/08	Ellen Fisher
2/07/08	Department of Environmental Protection (MassDEP) – CERO
02/11/08	Linnea N. Clark, Director, Nissitissit River Land Trust, Inc.
02/11/08	The Nissitissit River Land Trust, Inc.
02/12/08	Department of Conservation and Recreation (DCR) - Area of Critical Environmental Concern Program (ACEC)
02/12/08	Nashua River Watershed Association
02/12/08	Northern Middlesex Council of Governments (NMCOG)
02/12/08	Trout Unlimited – Squan-A-Tissit Chapter

Comments received: (continued)

02/13/08	Nashoba Conservation Trust
2/15/08	Natural Heritage and Endangered Species Program (NHESP)
02/29/08	Nashua River Watershed Association

ENF #14171  
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