



# *The Commonwealth of Massachusetts*

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March 10, 2006

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

PROJECT NAME: Tall Pines Planned Unit Residential Subdivision  
PROJECT MUNICIPALITY: Hampden  
PROJECT WATERSHED: Connecticut River  
EOEA NUMBER: 13724  
PROJECT PROPONENT: Tall Pines, LLC  
DATE NOTICED IN MONITOR: February 8, 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 to construct 38 units of over-55 age restricted housing on approximately 32 acres of vacant land in Hampden. The project site is located northerly of Allen Street and westerly of Stony Hill Road and is mainly wooded with two small field areas on site. The units will have individual wells and septic systems. Roadways, common areas and stormwater controls will be maintained by an owners association.

The project is undergoing review pursuant to Section 11.03(2)(b)(2) of the MEPA regulations because the project may result in a "take" of an endangered, threatened or Species of Special Concern in accordance with the Massachusetts Endangered Species Act (M.G.L. c.131 a) and its implementing regulations (321 CMR 10.04). The project will require a National Pollutant Discharge Elimination System (NPDES) Construction Activities Permit from the U.S. Environmental Protection Agency (EPA); a Conservation Management Permit from the Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP); and the following permits related to drinking water and wastewater from the Department of

Environmental Protection (DEP): Approval to Construct a Source Less than 70 Gallons per Minute (BRP WS 15), Approval to Site a Source Greater than 70 Gallons per Minute (BRP WS 17), and Installation of an Alternative System (BRP WP 57). The project will be required to comply with DEP's Drinking Water Regulations (310 CMR 22.00) and Title V Regulations (310 CMR 15.000). The project will also require permits from the Hampden Planning Board and the Board of Health, and an Order of Conditions from the Hampden Conservation Commission.

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 rare species, drinking water, wastewater and wetlands.

NHESP has stated that the project site occurs within Priority Habitat of Rare Species (PH 1161) and within Estimated Habitat (WH 305) as indicated in the 11<sup>th</sup> edition of the Massachusetts Natural Heritage Atlas. NHESP also indicates that the site is within actual habitat for the Eastern Wormsnake (*Carphophis amoenus*) and the Four-toed Salamander (*Hemidactylium scutatum*). These species are listed as "Threatened" and "Special Concern", respectively, in accordance with the Massachusetts Endangered Species Act (MESA, MGL c131A) and its implementing regulations (321 CMR 10.00).

The proponent has been working with NHESP since 2005 to resolve rare species concerns for the proposed project. As indicated in the ENF, the project has undergone substantial revisions to avoid and minimize impacts to habitat. The project was initially designed with a single 2,600-foot long access drive from Allen Street. However, based on consultation with NHESP regarding potential impacts to endangered species at the site, the proponent redesigned the project to develop a reduced impact footprint on the site. In the revised design, the roadway entrance was relocated to Stony Hill Road to provide a larger buffer zone for endangered species. In addition, internal site redesigns minimized the area needed for stormwater drainage controls and forest cutting. Currently, approximately 60 percent of the site will be preserved as open space.

Despite the redesign of the project, NHESP has determined that the project will result in a prohibited "take" of the Eastern Wormsnake and the Four-toed Salamander by altering potential habitat essential for feeding, overwintering, and migration of both species and nesting and breeding of the Eastern Wormsnake. The project will require a Conservation and Management Permit from NHESP. The proponent has been working with NHESP in advance of filing the application for the permit to ensure that the project meets performance standards pursuant to 321 CMR 10.23.

Although not discussed in the ENF, DEP has indicated that the common ownership of the property on which wells for each unit would be drilled serves to classify the project as a Public Water System (PWS). The proponent will be required to go through the new source approval permitting process with DEP to site and construct a well. The new source will be subject to the requirements of wellhead protection areas (Zone 1 and Interim Wellhead Protection Area). The proponent will need to ensure that the installation of the well and protective areas do not conflict with any mitigation proposed for impacts to rare species habitat.

In addition, the proponent will also need to work closely with DEP's Wastewater Program to ensure that the design of the septic system complies with 310 CMR 15.00. Since the filing of the ENF, the proponent has met with staff from DEP to discuss the project's drinking water and wastewater needs and will continue to consult with NHESP regarding mitigation for impacts to rare species. NHESP notes in its comments on the ENF that potential changes to the project design may result from discussions with DEP's Drinking Water program, but states however that it believes the project can be designed in accordance with the standards for a Conservation and Management Permit. If significant changes to the project result from permitting discussions with DEP or NHESP, the proponent must file a Notice of Project Change (NPC) pursuant to Section 11.10 of the MEPA regulations and the project may undergo further environmental review.

There are two isolated wetland resource areas on the project site. The proponent has filed a Notice of Intent with the Hampden Conservation Commission (DEP #173-0169). DEP has indicated that the project may proceed through the local permitting process for wetlands and stormwater if the proponent incorporates Best Management Practices and provides mitigation to all impacted jurisdictional resource areas. The proponent should note comments from the Pioneer Valley Planning Commission (PVPC) regarding the installation of erosion and sedimentation controls prior to construction to minimize impacts to on-site resource areas. PVPC has also requested that the proponent attempt to preserve existing mature trees throughout the project site wherever possible.

I have determined that the ENF has sufficiently defined the nature and general elements of the project and proposed measures to avoid and mitigate environmental impacts. I am satisfied that any remaining issues can be adequately addressed during the state and local permitting and review process. The proposed project, as described in the ENF, requires no further review under MEPA. Again, I remind the proponent that any 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.

March 10, 2006  
Date

  
Stephen R. Pritchard

Comments Received:

2/17/2006 Pioneer Valley Planning Commission  
2/22/2006 Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program  
2/28/2006 Department of Environmental Protection, Western Regional Office

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