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September 29, 2006

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

PROJECT NAME: Berkshire School Master Plan
PROJECT MUNICIPALITY: Sheffield
PROJECT WATERSHED: Housatonic
EOEA NUMBER: 13852
PROJECT PROPONENT: Berkshire School
DATE NOTICED IN MONITOR: August 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).

Project Description

As outlined in the Environmental Notification Form (ENF), the Berkshire School is proposing a series of projects for the redevelopment of its campus in accordance with a long-range Master Plan. The school plans to construct several new buildings including replacement dormitories, a math and science building, a new community center, hockey rink, field house, small office building, and a maintenance building within an estimated 39.5-acre area of School-owned land. The work is being proposed in order to address the School's need for improved circulation, enhanced living space, updated educational facilities, and modern athletic facilities. No increase in the size of the student body is proposed. The complete redevelopment program has been developed in a series of discreet projects that are scheduled to be constructed over the next 10 to 15 years.

The project is located on the 404-acre Berkshire School campus off Undermountain Road in Sheffield, MA. The parcel generally consists of mature woodlands and developed uplands containing academic buildings and athletic facilities. There is also an onsite wastewater treatment plant with a capacity of 80,000 gallons per day (gpd) with an approved discharge to the ground of 40,000 gpd. A major portion of the campus parcel is within Priority Habitat Area for a state-listed species. The entire school parcel is located within the Schenob Brook Area of Critical Environmental Concern (ACEC). According to the Department of Conservation and Recreation (DCR), the Schenob Brook ACEC contains the largest continuous calcareous seepage swamp in southern New England and approximately 60 state-listed rare and endangered species.

While the complete development of the Master Plan will take more than a decade, the proponent has presented the Master Plan in its entirety in the ENF. Phase I of the program includes construction of a new Athletic Facility with a hockey rink, athletic fields, access drive and related parking; upgrades to the existing wastewater treatment plant; and site improvements on previously developed areas of the campus. The proponent hopes to start work on Phase I of the project in the fall of 2006. Phase II includes construction of a new North Residential Village, relocation of the Berkshire Choral Festival Building, construction of a new Maintenance Area, and related parking and site improvements. Future phases include a new Math & Science Building, new Community Center, new Stanley Dorm Addition, Academic Building Renovations, new Field House, new West Loop Driveway, and related parking and site improvements. The School also states in the ENF that it is considering the use of a deep well, standing column geothermal energy system for the new facilities to reduce non-renewable energy consumption. If pursued, this system would likely require further MEPA review because it would require a state permit within the ACEC.

A MEPA site visit for the project was held at the Berkshire School on August 22, 2006. In response to information requests made at the site visit, the proponent requested an extension of the MEPA review period for the ENF and on September 6, 2006 submitted supplemental information about the proposed Master Plan projects for consideration. This Certificate responds to both the ENF and the supplemental materials submitted by the proponent. I commend the proponent for submitting the Master Plan in its entirety in the ENF, which allows for a comprehensive review of the development impacts of all proposed projects. I do note however that many projects associated with future phases of the Master Plan are at a very conceptual level of design. I remind the proponent and the permitting agencies that should there be to the project during the permitting process or during the implementation of later phases of the Master Plan; the proponent must file a NPC under MEPA and may require further environmental review.

Jurisdiction

The project is undergoing review pursuant to Section 11.03(1)(b)(2), 11.03(2)(b)(2), 11.03(5)(b)(2) and 11.03(11)(b) and of the MEPA regulations because it will result in the creation of more than 5 acres of new impervious surface; because the project may result in a prohibited "take" of a state-listed protected species; because the project is located within an Area of Critical Environmental Concern; and because the project proposes the expansion of an existing wastewater treatment plant by 10% or more of existing capacity.

The project requires a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the U.S. Environmental Protection Agency (EPA); an Amended Groundwater Discharge Permit from the Department of Environmental Protection (MassDEP); possibly a Conservation and Management Permit from the Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program (NHESP); review from DCR's ACEC program; and an Order of Conditions from the Sheffield Conservation Commission. Although not listed in the ENF, the project may also require permits from MassDEP for the construction of a new drinking water supply source.

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 stormwater, wetlands, rare species, wastewater and drinking water.

Stormwater

The project will result in the alteration of 10.2 acres of land and the creation of 9.4 acres of new impervious surface. The proposed stormwater management system will be designed in accordance with MassDEP's Stormwater Management Policy (SMP) and will include the use Best Management Practices (BMPs) to treat stormwater, recharge it to groundwater and to release excess stormwater at a rate no greater than the pre-development rate. BMPs include street sweeping, a series of deep sump catch basins, water quality swales and a subsurface infiltration system located beneath the athletic fields. The supplemental information provided by the proponent included a full Stormwater Management Report for Phase I of the project which will serve as the model for campus-wide stormwater management planning for the remainder of the Master Plan.

The Berkshire School has also committed to installing pervious pavement for remote parking areas to limit impervious area and reduce stormwater runoff. These areas have been designed as Lawn Parking, using open pavers with a grassed surface. The School proposes to provide 109 pervious parking spaces in Phase I and 84 pervious parking spaces in later phases. I commend the proponent for incorporating this Low Impact Development (LID) technique that will reduce the potential impervious area at the site by over 1.7 acres. I encourage the proponent to consider suggestions from DCR and the Berkshire Regional Planning Commission (BRPC) regarding the use of other LID techniques such as bioretention (rain gardens), bioswale cells, and below-grade stormwater planters.

Wetlands

In Phase I of the project, the new and relocated athletic fields will occupy approximately 36,000 square feet (sf) of Buffer Zone. No other wetland resource areas will be impacted by Phase I. The supplemental information provided by the proponent included a copy of the Notice of Intent recently filed with the Sheffield Conservation Commission for the Buffer Zone impacts. Given the proximity of construction to wetland resource areas and the sensitive nature of the Schenob Brook ACEC, the proponent should implement considerably enhanced efforts at erosion

control and establish firm limits to construction activities. The proponent should note comments from BRPC regarding the use of alternative methods of erosion control other than hay-bales to reduce the inadvertent introduction of invasive species.

The School has proposed adopting Integrated Pest Management (IPM) for the new and relocated athletic fields. Following comments from DCR, I encourage the Sheffield Conservation Commission to address turf management issues in its Order of Conditions for the Phase I work.

The proponent should note comments from MassDEP regarding the status of the "hillside drainage swales" depicted on project plans. In addition, delineations of resource areas approved under the MassDEP Superseding Order of Conditions #281-184 must be used in any new filing submitted to the Sheffield Conservation Commission and MassDEP and are valid for the life of that Order.

In the ENF, the proponent stated that 2,830 sf of Bordering Vegetated Wetlands (BVW) would be filled as a result of the construction of the West Loop Road. Based upon discussions held at the MEPA site visit for the project held on August 22, 2006 and on comments from state agencies, the proponent has now stated that no BVW or Bank will be altered as a result of Master Plan projects consistent with the higher performance standards for BVWs in ACECs under the Massachusetts Wetlands Protection Act regulations (310 CMR 10.55(4)(e)). The West Loop Road is not scheduled for construction until 2008 and therefore design is at a very early stage. Based on preliminary wetland mapping, the West Loop Road will cross two areas of potential BVW on small bridges and the proposed Southwest Loop Road will bridge about 570 sf of potential BVW. The proponent states that all crossings will be designed to avoid alteration of resource areas and to provide natural light to bridge areas. Bridge construction will require compliance with the MA River and Stream Crossing Standards, Technical Guidelines of August 6, 2004.

Rare Species

The proposed Master Plan as outlined in the ENF will alter approximately 5.5 acres of land within the priority habitat of a state-listed species and may result in a prohibited "take" pursuant to the Massachusetts Endangered Species Act (MESA) (321 CMR 10.02). The proponent has consulted with the NHESP program about the project's impacts to protected species and developed a comprehensive alternatives analysis in order to develop project specific alternatives that minimize disturbance of potential habitat sties and provide for long-term preservation of the state-listed species.

Based on the information submitted in the ENF, NHESP states that the proposed project appears to result in a "take" of a state-listed species. The proponent has not yet submitted a formal filing for the project pursuant to the MESA. Projects resulting in a "take" must file for a MESA Conservation and Management Permit (C&M). The C&M Permit application must demonstrate that the project has avoided, minimized and mitigated impacts to State-listed Species consistent with the following performance standards: (a) the applicant has adequately assessed alternatives to both temporary and permanent impacts to State-listed Species; (b) an insignificant portion of the local population would be impacted by the project, and; (c) the

applicant agrees to carry out a conservation and management plan that provides a long-term Net Benefit to the conservation of the state-listed species impacted (321 CMR 10.23).

In its comments on the ENF, NHESP states that based on recent discussions with the proponent's representatives, that the Berkshire School may intend to revise the proposed project to avoid a "take" of state-listed species rather than pursue a C&M permit for the Master Plan. If, as a result of further consultation with NHESP the Master Plan projects undergo revision from what is currently proposed in the ENF, the proponent must file a Notice of Project Change (NPC) pursuant to Section 11.10 of the MEPA regulations.

Wastewater

The school has an existing on-site wastewater treatment facility permitted at 40,000 gallons per day (gpd) that can treat up to 80,000 gpd. The Master Plan projects will result in an increased wastewater flow of 15,600 gpd above the current flow of 38,000 gpd, and therefore the proponent requires an Amended Groundwater Discharge Permit from MassDEP. The school's wastewater treatment facility is served by an existing leaching field that can handle a maximum of 40,000 gpd so a new leaching field with a reserve field will be constructed. Implementation of the Master Plan will also require the construction of 0.36 miles of new sewer main.

Drinking Water

The proponent should note comments from MassDEP's Drinking Water Program (DWP). According to the ENF, the additional facilities proposed are anticipated to add 17,100 gpd to the School's existing potable water demand. According to MassDEP, the ENF does not consider the present potable water demand of the school and the approved withdrawal rate (available water) of the school's existing source. The proposed increase in demand exceeds currently available water and the project fully complete will necessitate development of additional capacity in the school's water system and modifications to the system.

To increase the capacity of available water, the school will need to construct a new potable water supply source. In addition, the drinking water regulations at 310 CMR 22.21(3)(a) require a redundant water source or two days storage for community systems reliant solely on groundwater. The Berkshire School is currently not in compliance with this requirement and has committed (in response to enforcement actions by MassDEP) to construct an additional storage tank to comply with 310 CMR 22.21(3)(a), when the financial capacity is available. Any system not in compliance with current regulations is required to notify MassDEP's DWP and receive MassDEP approval prior to expansion of the system.

The proponent should continue to consult with MassDEP regarding the school's potable water needs. Should any ENF thresholds be met at 301 CMR 11.03(4) during the implementation of the Master Plan, the proponent should file a Notice of Project Change (NPC) pursuant to Section 11.10 of the MEPA regulations. In addition, the proponent may be required to file a separate Notice of Intent with the Sheffield Conservation Commission for work related to the potential installation of a new water supply source and storage.

Construction Activities

The project involves the demolition of several existing buildings. The construction and demolition activity must conform to current Air Pollution Control Regulations and Solid Waste Management regulations. The handling and removal of asbestos from School facilities must adhere to the requirements at 310 CMR 7.15 and at 310 CMR 19.061. The proponent should note additional comments from MassDEP's Air Pollution Program related to permit requirements for power generation units. The proponent should work with MassDEP to ensure that the Master Plan projects do not impact the remediation of soil and/or groundwater within the area of an underground storage tank on the campus that is being managed under the Massachusetts Contingency Plan (MCP).

Conclusion

I have determined that the ENF has sufficiently defined the nature and general elements of the Berkshire School Master Plan projects 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 Master Plan, as described in the ENF, requires no further review under MEPA.

September 29, 2006

Date



Robert W. Gollidge, Jr.

Comments Received:

8/15/2006	Rackemann Strategic Consulting, Inc., for the Berkshire School
9/6/2006	Rackemann Strategic Consulting, Inc., for the Berkshire School
9/11/2006	Rackemann Strategic Consulting, Inc., for the Berkshire School
9/21/2006	Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program
9/22/2006	Department of Environmental Protection, Western Regional Office
9/22/2006	Department of Conservation and Recreation, ACEC Program
9/22/2006	Berkshire Regional Planning Commission

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