



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Charles D. Baker
GOVERNOR

Karyn E. Polito
LIEUTENANT GOVERNOR

Kathleen A. Theoharides
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1081
<http://www.mass.gov/eea>

June 19, 2020

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

PROJECT NAME : Four Star Farms
PROJECT MUNICIPALITY : Northfield
PROJECT WATERSHED : Connecticut River
EEA NUMBER : 16212
PROJECT PROPONENT : Hopping Ahead, LLC.
DATE NOTICED IN MONITOR : May 20, 2020

Pursuant to the Massachusetts Environmental Policy Act (MEPA; M.G. L. c. 30, ss. 61-62I) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** an Environmental Impact Report (EIR).

Project Description

As described in the Environmental Notification Form (ENF), the project consists of the removal of an Agricultural Covenant (Covenant) from 130.2 acres of Four Star Farms (the Farm) in order to allow additional land uses and opportunities not currently permitted under the Covenant. The ENF describes a potential 10-megawatt (MW) direct-current (DC) dual-use solar project to be constructed on the land. The ENF states that the dual-use solar array would be constructed in such a way that, if pursued, would not removal of land from agricultural production, tree clearing, or result in any direct impacts to wetlands. Preliminary plans for the solar array include two concrete pads and two wells to be used for livestock. One well is proposed on land that currently is held under the Covenant, the other well and a portion of the proposed solar array is proposed on an adjacent parcel of land that is currently owned and operated by the Proponent but is not subject to the Covenant.

Project Site

The project site totals ±130.2 acres¹ located on Four Star Farms in Northfield. The site is currently in active agricultural use growing a variety of crops, including vegetables, hops, turfgrasses, and other grains. The project site is bounded to the west by agricultural land utilized by the Proponent, to the south by Pine Meadow Brook and Cross Road, to the east by Millers Falls Road and undeveloped land, and to the north by Pine Meadow Road and further north by the Connecticut River. The surrounding area is comprised of agricultural land and forested areas. The site contains Bordering Vegetated Wetlands (BVW) and associated Buffer Zone, and Riverfront Area associated with the Connecticut River. The project site is not located in *Estimated and Priority Habitat of Rare Species* as delineated by the Natural Heritage and Endangered Species Program (NHESP) or an Area of Critical Environmental Concern (ACEC). The site does not contain any structures listed in the State Register of Historic Places or the Massachusetts Historical Commission's (MHC) Inventory of Historic and Archaeological Assets of the Commonwealth (Inventory).

Environmental Impacts and Mitigation

Potential environmental impacts associated with the project include the release of 130.2 acres of land currently held under an Agricultural Covenant. To mitigate the release of the Agricultural Covenant, the Proponent will provide funds to the Massachusetts Department of Agricultural Resources (MDAR) to be used for acquiring new agricultural covenants. The ENF states any solar project developed on the land currently held under the Covenant would not take the land out of active agricultural use.

Jurisdiction and Permitting

This project is subject to MEPA review and preparation of an ENF pursuant to 301 CMR 11.03(1)(a)(5) because it requires a State Agency Action and results in the release of an interest in land held for agricultural preservation purposes. The project requires a transfer of 130.2 acres currently held under an Agricultural Covenant from MDAR to the Proponent.

The project is not receiving Financial Assistance from the Commonwealth. Therefore, MEPA jurisdiction for any future review would be limited to those aspects of the project that are within the subject matter of any required or potentially required Agency Actions and that may cause Damage to the Environment, as defined in the MEPA regulations.

Review of the ENF

The ENF provided a description of existing and proposed conditions, a discussion of project alternatives, preliminary project plans, copies of the Agricultural Covenant and Legislation requiring the transfer of the land held under the Covenant, and identified measures to avoid, minimize and mitigate environmental impacts.

¹ The project site is limited to the area currently held under the Agricultural Covenant and does not contain the entirety of the land the solar array and associated infrastructure is proposed on.

Alternatives Analysis

The ENF described a No-Build Alternative, Partial Release Alternative, Alternative Site Alternative, and the Preferred Alternative. The No-Build Alternative would involve leaving the Agricultural Covenant in place. According to the ENF, this alternative was dismissed as it would not allow the Proponent to pursue the dual use solar array or other land uses to preserve the long-term economic viability of the Farm. The Partial Release Alternative would consist of releasing the Agricultural Covenant from a portion of the subject property. According to the ENF, this alternative was dismissed after consultation with state agencies determined a partial release to not be a viable option. The Alternative Site Alternative evaluated other parcels owned by the Proponent for the development of a solar array. The ENF indicated that these other sites were dismissed due to inefficient size, potential interconnection costs, and the presence of existing buildings and/or permanent conservation restrictions. The ENF indicated that the Preferred Alternative, as described herein, was selected due to site characteristics suitable for development of a solar array and in consideration of the existing legislation to remove the Agricultural Covenant.

Agricultural Land

As previously noted, the entirety of the 130.2-acre project site is currently held under an Agricultural Covenant for the protection and preservation of agricultural land, encouragement of sound soil management practices, preservation of natural resources, and maintenance of land in active agricultural use. The ENF included a copy of the legislation releasing the project site from the Covenant – *An Act Releasing Certain Land in Northfield from the Operation of An Agricultural Covenant* (Legislation). To mitigate this release, the Legislation states the landowner shall pay MDAR a monetary amount determined by the Commissioner of MDAR, not to exceed the funds the landowner originally received as consideration for the Covenant. These funds will be held in trust by MDAR and will be used for acquiring new agricultural covenants.

The ENF states the proposed 10-MW DC dual-use solar array is the maximum potential build-out the Proponent is considering on the project site. The exact layout of the solar array may change following review during local permitting and the interconnection process with the utility company.

Wetland Resources

The project site contains BVW and associated Buffer Zone, and Riverfront Area associated with the Connecticut River. The site also contains areas within the 100-year flood zone. The ENF states that the proposed solar project will not directly impact wetland resource areas. Comments from MassDEP state that the conversion of, or dual-use of agricultural activities with solar generation is subject to the Wetlands Protection Act (WPA) and regulations (310 CMR 10.00). Further, MassDEP states that any ground disturbance, including the placement of solar panels or racks or fencing at or below the floodplain elevation will require the filing of a Notice of Intent, and must comply with relevant performance standards of the WPA. Comments from MassDEP urge the Proponent to formally delineate all resource areas on the property and to submit an Abbreviated Notice of Resource Area Delineation (ANRAD) to the Northfield Conservation Commission prior to advancing any designs for future non-agricultural uses of the project site (including dual-use activities). I refer the Proponent to comments

from MassDEP for more information regarding development in or adjacent to wetland resource areas and their relevant regulations.

Climate Change

Governor Baker's Executive Order 569: Establishing an Integrated Climate Change Strategy for the Commonwealth (EO 569; the Order) was issued on September 16, 2016. The Order recognizes the serious threat presented by climate change and directs Executive Branch agencies to develop and implement and integrated strategy that leverages state resources to combat climate change and prepare for its impacts. The Order seeks to ensure that Massachusetts will meet GHG emissions reduction limits established under the Global Warming Solution Act of 2008 (GWSA) and will work to prepare state government and cities and towns for the impacts of climate change.

Adaptation and Resiliency

The Northeast Climate Science Center at the University of Massachusetts at Amherst has developed projections of changes in temperature, precipitation, and sea level rise for Massachusetts. This data is available through the Climate Change Clearinghouse for the Commonwealth at www.resilientma.org. By the end of the century, the average annual temperature in the Connecticut River Drainage Basin is projected to rise by 5.09 to 9.48 degrees Fahrenheit (°F), including an increase in the number of days with temperatures over 90 °F from a minimum of 24.84 days and a maximum up to 66.66 days compared to the 1971-2000 baseline period. During the same time span, the average annual precipitation is projected to increase by a minimum of 3.88 to a maximum of 6.01 inches, which may be associated with more frequent and intense storm events. The Massachusetts State Hazard Mitigation & Climate Adaptation Plan (2018) may provide additional data and resources applicable to the project site.

I encourage the Proponent to consider future climate change conditions as the design of the project is finalized and proceeds to permitting. I note that the MEPA statute directs all State Agencies to consider reasonably foreseeable climate change impacts, including additional greenhouse gas emissions and effects when issuing permits, licenses, and other administrative approvals and decision pursuant to M.G.L. c. 30, § 61. I encourage the Proponent to consider the potential impacts of climate change on the final design of this project. The project will create a limited amount of new impervious surfaces; however, portions of the site are located within the floodplain. Given the potential for increased storm frequency and intensity, consideration of the potential resiliency and, as necessary, design refinements to facilitate adaptation to future conditions, is warranted.

Construction Period

According to the ENF, the project will be completed in one phase starting in June 2020, ending in June 2021. All construction activities should be managed in accordance with applicable MassDEP regulations regarding Air Pollution Control (310 CMR 7.01, 7.09-7.10), and Solid Waste Facilities (310 CMR 16.00 and 310 CMR 19.00, including the waste ban provision at 310 CMR 19.017). The project should include measures to reduce construction period impacts (e.g., noise, dust, odor, solid waste management) and emissions of air pollutants from equipment, including anti-idling measures in accordance with the Air Quality regulations (310 CMR 7.11). I encourage the Proponent to require that

its contractors use construction equipment with engines manufactured to Tier 4 federal emission standards, or select project contractors that have installed retrofit emissions control devices or vehicles that use alternative fuels to reduce emissions of volatile organic compounds (VOCs), carbon monoxide (CO) and particulate matter (PM) from diesel-powered equipment. Off-road vehicles are required to use ultra-low sulfur diesel fuel (ULSD). If oil and/or hazardous materials are found during construction, the Proponent should notify MassDEP in accordance with the Massachusetts Contingency Plan (310 CMR 40.00). All construction activities should be undertaken in compliance with the conditions of all State and local permits.

Conclusion

The ENF has adequately described and analyzed the project and its alternatives, and assessed its potential environmental impacts and mitigation measures. Based on review of the ENF and comments received on it, and in consultation with State Agencies I have determined that an EIR is not required.

June 19, 2020

Date



Kathleen A. Theoharides

Comments received:

06/09/2020 Massachusetts Department of Environmental Protection (MassDEP) - Western Regional Office (WERO)

KAT/ELM/elm



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Western Regional Office • 436 Dwight Street, Springfield MA 01103 • 413-784-1100

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

June 8, 2020

Kathleen A. Theoharides, Secretary
Executive Office of Energy & Environmental Affairs
Massachusetts Environmental Policy Act Office
Eva Murray, EEA No. 16212
100 Cambridge Street, 9th Floor
Boston, MA 02114-2524

Re: Northfield
Four Star Farms ENF

Dear Secretary Theoharides,

The Massachusetts Department of Environmental Protection (MassDEP), Western Regional Office (WERO) appreciates the opportunity to comment on the Environmental Notification Form (ENF 16212) submitted for the removal of an existing Agricultural Covenant for property at 496 Pine Meadow Road in Northfield, Massachusetts. MassDEP attended a virtual site visit on June 3, 2020.

I. Project Description:

The project involves the transfer of 130.2 acres currently held under an Agricultural Covenant back to the owner. The Proponent, Hopping Ahead, LLC, operates Four Star Farms at the site where a variety of crops are grown including vegetables, hops, turfgrasses, and other grains. Removal of the Agricultural Covenant will allow the Proponent to explore additional land uses while continuing to use the land for agricultural purposes. The project includes the potential for dual-use solar array on some of the parcels allowing the land under the array to continue to be used for agriculture. There is currently no development or alteration proposed, only conceptual future uses.

Environmental impacts associated with this project potentially include:

- 130.2 total site acreage
- 200,000 SF Bordering Land Subject to Flooding - Temporary
- 0.11 new acres of impervious area (potential concrete pads)
- Less than 10 vehicle trips per day – current, no change
- 40,000 gallons per day water withdrawal for irrigation – current, no change
- > 1 mile length of water mains – current, no change

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

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II. Required Mass DEP Permits and/or Applicable Regulations

Wetlands

310 CMR 10.000

Air Pollution

310 CMR 7.00

Solid Waste

310 CMR 16.00

Hazardous Waste

310 CMR 30.00

Bureau of Waste Site Cleanup

310 CMR 40.000

III. Permit Discussion

Bureau of Water Resources

Wetlands

Certain uses and maintenance within existing agricultural fields for commercial agricultural purposes may be considered exempt activities under the Wetlands Protection Act (Act). For the purpose of providing guidance now with respect to the contemplated future uses that are not a part of this filing, MassDEP notes that the conversion of or "dual use" of such areas (i.e., "Land in Agricultural Use" as described under the definition of "Agriculture" at 310 CMR 10.04) to solar generation is fully subject to the Wetlands Protection Act and regulations.

The submitted project plans suggest Bordering Land Subject to Flooding (BLSF) occurs on the southern parcel (i.e., "Array A"), to the north of Cross Road, coming on to the site from both the Connecticut River and Pine Meadow Brook. MassDEP notes that any ground disturbance, which includes but is not limited to the placement of any panels or racks or fencing at or below floodplain elevation, requires the filing of a Notice of Intent, and any solar-array related work will need to comply with the BLSF performance standards. Actual elevation survey data must be obtained for the project using one defined elevation datum.

Again, for the purpose of guidance relative to potential future use of the site, any alteration within the 200 Foot Riverfront Area of Pine Meadow Brook, including solar-array related work within this Riverfront Area must also comply with the relevant performance standards and be permitted under the Act at that time.

Various aerial photos suggest the presence of hydric soils on the parcels proposed for the solar farm. The wetlands regulations provide that a disturbed site (such as an agricultural field) may be considered a Bordering Vegetated Wetland, at the time of any proposed

change in land use. Where an area has been disturbed (e.g. by cutting, filling, or cultivation), the boundary is the line within which there are indicators of saturated or inundated conditions sufficient to support a predominance of wetland indicator plants, a predominance of wetland indicator plants, or credible evidence from a competent source that the area supported or would support under undisturbed conditions a predominance of wetland indicator plants prior to the disturbance. Continued agricultural activities consistent with historic use alone would not be such a change in use.

The project proponent is urged to formally delineate all resource areas on the property (in accordance with the specific methods, outlined in the Wetlands Regulations, for each) and to submit an Abbreviated Notice of Resource Area Delineation (ANRAD) to the Northfield Conservation Commission prior to advancing any designs for future non-agricultural uses of the project site.

Bureau of Air and Waste

Air Quality

Construction Activities

The construction and demolition activity must conform to current Air Pollution Control Regulations. The proponent should implement measures to alleviate dust, noise, and odor nuisance conditions that may occur during the construction and demolition activities. Such measures must comply with the MassDEP's Bureau of Air and Waste (BAW) Regulations 310 CMR 7.01, 7.09, and 7.10.

Solid Waste

The proponent shall properly manage and dispose of all solid waste generated by this proposed project pursuant to 310 CMR 16.00 and 310 CMR 19.000.

Solid and Hazardous Waste Management (Soil Management)

The following activities may be performed at the site:

1. Incidental vegetation removal by cutting brush necessary to provide perimeter pathways and installation of fencing around the facility.
2. Solar module and electrical infrastructure.
3. Solar panel substructure and footings.
4. Two Concrete pads for accompanying electrical equipment.

If soil contamination is discovered and if the material demonstrates characteristics of hazardous waste or the presence of other contaminants, the Proponent is referred to MassDEP policy COMM-97-001 "*Reuse and Disposal of Contaminated Soil at Massachusetts Landfills*".

Hazardous Waste

Any hazardous wastes generated by the construction activities must be properly managed in accordance with 310 CMR 30.0000; the Proponent must ensure that such generation is properly registered with EPA.

Bureau of Waste Site Cleanup

MassDEP received a Response Action Outcome (RAO) or Permanent Solution Statement dated June 25, 2009 for Release Tracking Number (RTN) 1-0017099 for an approximate 13-gallon release from a pole mounted transformer containing mineral oil dielectric fluid (MODF) and polychlorinated biphenyls (PCBs) located at the subject site. If soil and/or groundwater contamination is encountered during construction of the potential solar array development, the proponent should retain a Licensed Site Professional (LSP); the MCP details procedures to follow for the parties conducting work. MassDEP staff are available for guidance.

In addition, a spills contingency plan addressing prevention and management of potential releases of oil and/or hazardous materials from pre- and post-construction of the solar array activities should be presented to workers at the site and enforced. The plan should include but not be limited to, refueling of machinery, storage of fuels, and potential releases. This plan is of particular importance due to the close proximity of work at the Connecticut River.

If you have any questions regarding this comment letter, please do not hesitate to contact Kathleen Fournier at (413) 755-2267.

Sincerely,

This final document copy is being provided to you electronically by the Department of Environmental Protection. A signed copy of this document is on file at the DEP office listed on the letterhead.

Michael Gorski
Regional Director

cc: MEPA File