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March 7, 2008

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

PROJECT NAME : Unkety Brook and Shattuck Well Sites
PROJECT MUNICIPALITY : Groton
PROJECT WATERSHED : Nashua, Merrimack
EOEA NUMBER : 14166
PROJECT PROPONENT : Town of Groton
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 hereby determine that this project **does not require** the preparation of an Environmental Impact Report.

Project Description

According to the information provided in this Environmental Notification Form (ENF), the Town of Groton is proposing to construct 2 new replacement wells at the original Shattuck Well site located off Martins Pond Road, and 2 new public water supply wells at the proposed Unkety Well site located off Chicopee Row in Groton. The Shattuck and Unkety Brook wells are located within the Petapawag Area of Critical Environmental concern (Petapawag ACEC).

Shattuck Wells

The Shattuck Wells portion of the project involves the demolition of an existing pump station structure and the construction of 2 new 12-inch water supply wells and pump station structure, and includes the cross-country construction of approximately 2,500 lf of 6-inch raw water supply line to the existing Badacock Well Water Filtration Plant located east of the proposed well site.

The cross-country construction will be located within an existing Groton Water Department water main easement corridor that traverses through private and municipally-owned land, and will involve crossing a culverted intermittent stream. This cross-country construction work will result in impacts to bordering and isolated vegetated wetlands (BVW, IVW), wetland buffer, and priority and estimated habitat for state-listed rare species. This proposed cross-country route is also located within rare species habitat and within the Petapawag ACEC.

Unkety Brook Wells

Construction of the Unkety Brook Wells will involve the construction of 2 new 12-inch water supply wells and will include the cross-country construction of approximately 1,500 lf of 6-inch raw water supply pipe to a new water treatment plant (WTP) to be located on a 1-acre parcel of property across Chicopee Row and northwest of the proposed well site. These new wells will be located within protected conservation lands controlled by the Groton Conservation Commission. The cross-country raw water supply line will be located within a new utility easement corridor that will cross privately owned and municipally owned lands and will involve horizontal direction drilling (HDD) associated with two stream crossings.

The Groton Water Department also proposes to construct a new 720 sf water treatment plant (WTP) with a design capacity of .432 million gallons per day (MGD) to comply with primary drinking water standards for lead and copper. Construction of the new WTP will include an asphalt site driveway, three asphalt surface parking spaces, concrete pads for propane and generator storage, and 6' high chain link fencing on a 1-acre parcel privately-owned property located on the north side of Chicopee Row. The new WTP will be connected to the Town's existing water delivery system located at the intersection of Blossom lane and Longley Road via 7,800 lf of new 8-inch water transmission main to be located within the Chicopee Row right-of-way. According to the proponent, construction of the Unkety Brook wells will not result in impacts to BVW or IVW resource areas. The proposed Unkety Brook cross-country construction work will occur within the 200-foot Riverfront Area, 100-foot wetland buffer area, and priority and estimated habitat for state-listed rare species and within the Petapawag ACEC.

The project is undergoing review pursuant to Section 11.03 (4)(b)(1) of the MEPA regulations, because the project entails withdrawal of 100,000 or more gpd from a water source that requires new construction for the withdrawal. The project will require Orders of Conditions from the Groton Conservation Commission (and hence Superseding Order(s) from the Department of Environmental Protection (MassDEP) if any local Orders were appealed). The project may also require a Section 401 Water Quality Certificate from MassDEP. The proponent is seeking a New Source Approval and an amendment to its Water Withdrawal Permit, pursuant to the Water Management Act (WMA) from MassDEP for the addition of the new wells.

Land Alteration

Construction of the proposed Unkety Brook and Shattuck wells, the new Chicopee Row WTP, 2 new pump station structures, and water transmission mains to the existing Bradacook WTP and the new Chicopee Row WTP will involve the alteration of approximately 1.0 acre of upland and the creation of approximately 0.5 acres impervious surface area.

Wetlands

According to the information provided by the proponent, the proposed project will result in the alteration of less than 5,000 sf of bordering vegetated wetlands (BVW) for the construction of the water main route associated with the Shattuck Wells portion of the proposed project. I anticipate that the Groton Conservation Commission's Order of Conditions, and MassDEP's permitting process will provide a determination regarding the proposed project's impacts to wetland resource areas located throughout the project area, including privately owned property and property owned by the Town of Groton and the project's need for a 401 Water Quality Certification.

Rare Species

In their comments, the Natural Heritage and Endangered Species Program (NHESP) has identified that the Unkety Brook Well and Shattuck Well sites are located within priority and estimated habitat for the Blanding's Turtle (*Emydoidea blandingii*), Wood Turtle (*Glyptemys insculpta*) and the Blue-spotted Salamander (*Ambystoma laterale*).

According to NHESP, proposed work associated with the wells and water mains may adversely impact the Resource Area habitat for these state listed species and has the potential to result in a take of the Blue-spotted Salamander and the Blanding's Turtle. NHESP has indicated that the Town of Groton will be required to conduct a habitat assessment for the Blue-spotted Salamander and the Blanding's Turtle to better understand the project's potential wetlands and upland habitat impacts for these two species. The proposed well sites are also located within the vicinity of significant cold water fishery resources including Unkety Brook, Martin's Pond Brook, Martin's Pond and Badacook Pond. The Town will need to demonstrate to NHESP that under the proposed maximum withdrawal volumes for the Unkety Brook wells, Unkety Brook will not fall below seasonal aquatic base flows (ABF) so as to impact coldwater fishery resources. I ask that the proponent consult with the NHESP during project design to minimize the project's potential impacts to rare species habitats, to the maximum extent practicable, so as to avoid permitting under the Massachusetts Endangered Species Act (MESA).

Stormwater Management

Any increase in stormwater runoff generated by the proposed project will need to be mitigated by the implementation of a Stormwater Management Plan designed to meet MassDEP's Stormwater Management Policy guidelines. The proponent should consult with MassDEP during final project design.

Water Management / InterBasin Transfer

According to the comments received from MassDEP, the Town of Groton is authorized under its current 2006 Water Management Act Permit (WMA) to withdraw an average daily volume of 0.517 MGD from three sources; Whitney Pond Wells #1 and #2 and the Baddacook Well. As described by the proponent, the existing Shattuck Well, inactive since the early-1980s, is no longer in active operation due to poor water quality. The combined withdrawal volume for the new Shattuck and Unkety Brook wells (0.217 MGD) is being developed to supplement the Town of Groton's existing municipal water supplies without increasing the Town's overall permitted withdrawal volume. The Unkety Brook Well site is located within the Nashua River basin and the Shattuck Well site located within the Merrimack River Basin. In its comments, the Water Resources Commission (WRC) has indicated that the Town of Groton has land area located in the Nashua and Merrimack River basins. A portion of Groton is sewered to the Nashua River basin through the Town of Pepperell. Because the proposed Shattuck Well site is located in the Merrimack River basin, wastewater generated from this site may cross a town line and a basin line and could be deemed an inter-basin transfer and may therefore be subject to WRC's review under the InterBasin Transfer Act (ITA). The proponent should work closely with the WRC to determine the project's consistency with the requirements and criteria for a Determination of Insignificance under the ITA for the proposed project.

Article 97 Lands

According to the information contained in the ENF and provided by the proponent during the February 22, 2008 MEPA consultation session held for this project, the Groton Water Department will need to negotiate an easement agreement with the Groton Conservation Commission to locate the proposed Unkety Brook wells, pump station structure, and sections of new water mains within protected conservation lands. An easement agreement to use protected conservation lands for locating the proposed Unkety Brook wells may require new authorizing Article 97 legislation. In the event the proposed project requires new Article 97 legislation, the proponent will be required to submit a Notice of Project Change (NPC) to the MEPA Office that provides a detailed discussion of any proposed conversion of land held for conservation purposes in accordance with the provisions of Article 97 of the Massachusetts Constitution.

To further the Commonwealth's open space goals, the Executive Office of Energy and Environmental Affairs' (EEA) Article 97 Land Disposition Policy requires a demonstration that a proponent has explored all feasible options to avoid the Article 97 disposition. Pursuant to EEA's Article 97 Land Disposition Policy, the NPC that the proponent may file with the MEPA Office will also need to include a description of the proponent's proposed Article 97 mitigation package identifying compensatory lands and/or interests in land (easements) that could be permanently protected as mitigation for any proposed use of Article 97 lands, and interests in lands.

Construction Period

The proponent should analyze construction-period impacts, including temporary impacts to wetlands, and the extent of any blasting and/or re-grading during construction. The proponent should consult with the Towns of Groton and Pepperell, and DEP to ensure that the proponent will meet any performance standards associated with a federal NPDES permit for all proposed project construction activities. As noted elsewhere in this Certificate, the construction of the proposed wells has been designed to provide redundancy, and to improve the Groton Water Department's operational flexibility, and will not result in an increase in the permitted volume for water withdrawal (.517 MGD) under Groton's existing Water Management Act permit. MassDEP will ensure that the proponent will monitor the potential impact of the proposed wells on the surrounding wetlands and surface water bodies as part of its permitting process. MassDEP's amendment process should contain conditions relative to the operation of the proposed well to avoid potential impacts.

Based on the information provided by the proponent and consultation with relevant public agencies, I conclude that no further MEPA review is required for the proposed project at this time. The review of the ENF has served to demonstrate that the impacts of the project do not warrant the preparation of an EIR at this time. However, the proponent will need to consult with MassDEP regarding the technical specifications of the well pumping/water quality treatment facility, WRC regarding ITA, NHESP regarding impacts on rare species habitat during project construction, and EEA regarding the disposition of Article 97 lands.

March 7, 2008

Date



Ian A. Bowles, Secretary

Comments received:

- 02/11/08 Montachusett Regional Planning Commission
- 02/19/08 Massachusetts Department of Environmental Protection (CERO)
- 02/20/08 Nashua River Watershed Association (NRWA)
- 02/25/08 Town of Groton, Conservation Commission
- 02/26/08 Town of Groton, Planning Board
- 02/11/08 Department of Conservation and Recreation (DCR)
- 02/13/08 Water Resources Commission (WRC)
- 02/13/08 Natural Heritage and Endangered Species Program (NHESP)

IAB/NCZ/ncz

ENF #14166