



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street, Suite 900

Boston, MA 02114

Deval L. Patrick
GOVERNOR

Timothy P. Murray
LIEUTENANT GOVERNOR

Ian A. Bowles
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/envir>

March 8, 2007

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

PROJECT NAME : Village at Patriot Common
PROJECT MUNICIPALITY : Townsend
PROJECT WATERSHED : Nashua
EOEA NUMBER : 13939
PROJECT PROPONENT : James V. DeCarolis 1997 Realty Trust
DATE NOTICED IN MONITOR : December 23, 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 determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

As described in the Environmental Notification Form (ENF), the proposed project involves the development of a 27-lot single family residential subdivision on a 111-acre parcel of property fronting on Proctor Road and Hayes Road in Townsend. The project includes the construction of approximately 4,000 linear feet (lf) of asphalt roadway with sidewalks, stormwater management best management practices and related utilities to service the proposed residential subdivision project. The project's water supply needs will be served by Townsend's municipal water supply. Wastewater generated by 22 of 27 proposed houses will be conveyed to a common on-site subsurface disposal system (SSDS) in accordance with Massachusetts Title 5 regulations. The SSDS will be located in the southwestern portion of the project site and adjacent to the Brady Avenue site drive.

Five of the proposed house lots, located along the Haynes Road site drive, will be constructed with individual on-site Title 5 compliant subsurface disposal systems. The project site is located within the Squannassit Area of Critical Environmental Concern (Squannassit ACEC). The project is being proposed under the Town of Townsend's Open Space Preservation Development plan (OSPD). The project construction activities will be concentrated within a 22-acre portion (20%) of the project site. Approximately 89 acres of the project site (80%) will remain as protected open space.

The project is undergoing review pursuant to 301 C.M.R. 11.03 (1)(b)(2) and 11.03 (11)(b) of the MEPA regulations, because it will result in the creation five or more acres of impervious area, and is located within a designated Area of Critical Environmental Concern (ACEC). The project will require Orders of Conditions from the Townsend Conservation Commission (and hence Superseding Order(s) from MassDEP if any local Orders were appealed). The project may also require a 401 Water Quality Certification from MassDEP. The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over one acre. 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).

Future Development

According to the proponent's statements made at the MEPA consultation session held for this project on January 5, 2007, and additional information provided by the proponent subsequent to the MEPA consultation session, the proponent has also proposed to develop a public recreational park and canoe launch (DeCarolis Recreational Park and Canoe Launch) to be located within a 12-acre portion of the proposed 89-acre protected Open Space land area. The proponent has begun the design process for the future development of the public recreational park and canoe launch parcel. I also note that the proponent owns two additional 2-acre development lots abutting the northeastern corner of the Village at Patriot Common project site and fronting on Hog Hill Road. After considering the factors cited in Section 11.01 of the MEPA regulations, I must consider the environmental impacts associated with the Village at Patriot Common project, the proposed future development of the DeCarolis Recreation Park and Canoe Launch, and the potential future development of two Hog Hill Road frontage lots as a "common plan or undertaking".

I am therefore requiring that a Notice of Project Change (NPC) be filed with the MEPA Office for any future development proposal that may be proposed within the Patriot Common project site or the adjacent Hog Hill Road frontage lots. The NPC will need to discuss both the potential cumulative infrastructure impacts including but not limited to land alteration, wetlands, rare species, water supply, wastewater and site planning issues arising out of the full build-out development of the Patriot Common project site and the full-build out (allowable as-of-right under current local zoning) of the two remaining 2-acre residential development parcels abutting Hog Hill Road.

Wetlands

According to the information provided in the ENF submittal document, the project will result in permanent (620 square feet (sf)) and temporary (1,293 sf) impacts to of Bordering Vegetated Wetlands (BVW), and 31 lf of bank alteration to accommodate the proposed internal roadway layout including two wetlands crossings. In their comments, the Department of Conservation and Recreation (DCR) has indicated that the proposed alteration of BVW within an ACEC may not be permitted. The proponent must demonstrate to the Townsend Conservation Commission and MassDEP that the proposed project is permissible under the Wetlands Protection Act. The proponent has committed to provide approximately 1,000 sf of on-site wetlands replication (1.6:1) for the project's impacts to wetlands. As depicted in the site plan, significant portions of house lots are located within the 100-foot wetlands resource buffer area. The project will also result in the alteration of approximately 6.4 acres of the 100-foot wetland buffer zone resulting from site grading and roadway construction, buildings, and stormwater management infrastructure, and approximately 34,800 sf of Riverfront Area. The proponent should examine methods of avoiding or minimizing encroachment into buffer zones including, but not limited to, reducing the total number of proposed residential units.

According to the comments received from the Townsend Conservation Commission, DCR, and others, the project site contains isolated land subject to flooding (ILSF) areas and a number of potential vernal pools. The proponent must provide the Townsend Conservation Commission and MassDEP with additional information to characterize and manage the wetland resource areas located within and adjacent to the project site in a manner consistent with the Massachusetts Wetlands Protection Act, and the Town of Townsend's Wetland Bylaw. The proponent should consult with the Townsend Conservation Commission, and MassDEP to investigate alternative site designs and layouts that maximize undisturbed buffers around vernal pool resource areas.

I strongly encourage the proponent to consider placing deed restrictions, to include certified vernal pools, if any, and the uplands around them, on any residential properties that will be located within 600 feet of any vernal pools or within the 100-foot wetlands buffer zone as a method for avoiding future impacts from homeowner activities.

Endangered Species

As described in the ENF, the 111-acre project site is located within the Squannassit ACEC, and contains significant rare species habitat for the Blanding's Turtle (*Emydoidea blandingii*), and the Triangle Floater (*Alasmidonta undulate*). In their comments, the Natural Heritage and Endangered Species Program (NHESP) has commended the proponent for including a significant amount of Priority and Estimated habitat area within the proposed permanently protected Open Space area. NHESP has also expressed concern with the potential impacts to water quality resulting from the proponent's filling of BVW resource areas associated with two proposed roadway crossings, stormwater management best management practices (BMPs), and the

communal septic system leaching area. According to NHESP, the proponent must conduct a Habitat Assessment to identify and evaluate important habitat features for the Blanding's Turtle that may be located within the project site. I strongly encourage the proponent to work closely with NHESP the completion of the Habitat Study and the project's final design.

Water

The ENF submittal includes an estimate of potable water supply demand for the Village at Patriot Common project (approximately 11,900 gpd) to be served by the Town of Townsend. The proponent will need to demonstrate that the use of the Town of Townsend's municipal water supply to serve the project is feasible. Specifically, the proponent will need to demonstrate that 1) the municipal water supply has sufficient design capacity to accommodate the full-build project's additional water supply demand; and 2) the proponent has secured permission from the Town of Townsend to obtain the necessary potable water supply for the full-build project.

The final project design must meet the Commonwealth's water conservation standards. I strongly encourage the proponent to incorporate water conservation and water use efficiency in the project design to comply with the March 1989 state plumbing code. Specifically, the proponent should commit to employing efficient residential water conservation technologies for the project including water saving devices, low flow toilets, and low flow appliances (dishwashers, washing machines). The proponent should also consider implementing an Irrigation Management Plan (IMP) to further reduce the project's irrigation water demand. An IMP could involve the use of amended soils and compost, the planting of native and drought-tolerant species of trees, shrubs, and turf grasses, an automated water efficient irrigation system, and a water management protocol for drought conditions. I ask that the proponent consult with MassDEP, and refer to the Massachusetts Water Resources Commission's *Lawn and Landscape Water Conservation, An Addendum to the Water Conservation Standards for the Commonwealth of Massachusetts, October 2002*, during the final design of the proponent's IMP. I strongly encourage the proponent to work closely with the Town of Townsend and MassDEP to implement mitigation measures for the full-build project that will help to offset the need for additional potable water supply.

Wastewater

As described in the ENF, the proponent has proposed to construct an on-site communal septic system to treat the wastewater flows from 22 of 27 proposed new houses (6,160 gpd) in accordance with Massachusetts Title 5 regulations. As currently designed, two leaching fields designed to serve the common Title 5 system have been located in the southeastern portion of the project site.

Stormwater

As described in the ENF, the stormwater management plan will be designed as an open drainage system to meet MassDEP’s Stormwater Management Policy guidelines, and will include the use roadside water quality swales, deep sump catch basins, and sediment forebays to convey stormwater to four detention basins (A, B, C, D) located in the western portion of the project site and adjacent to the project’s proposed site access drive. The stormwater detention basins will discharge to on-site wetland resource areas, located within the Squannassit ACEC, and connected to Gassets Brook, a perennial stream and ORW located along western boundary of the project site.


The proponent should consult with MassDEP to ensure that the project’s stormwater management plan and best management practices (BMPs) will be designed to meet MassDEP’s Stormwater Management Policy guidelines and standards, especially as they may apply to Critical Areas. I ask that the proponent continue to identify opportunities to further reduce the project’s impervious surface areas, including a reduction in the total number of surface parking spaces proposed for the project, and/or the construction of visitor parking spaces using pervious materials.

Construction Period

The proponent should analyze construction-period impacts, including temporary impacts to streams and wetlands, and the extent of any blasting and/or re-grading during construction. The proponent should consult with the Town of Townsend, and MassDEP to ensure that the proponent will meet any performance standards associated with a federal NPDES permit for all proposed project construction activities.

Based on the information provided by the proponent and consultation with relevant public agencies, I conclude that no further MEPA review is required. 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. The proponent can resolve any remaining issues in the permitting process.

March 8, 2007
DATE



Ian Bowles, Secretary

Comments received:

- 12/19/06 Edward and Julie Ward
- 01/02/07 Heide Messing

01/02/07 Jeff Whelan
01/17/07 MA Natural Heritage & Endangered Species Program (NHESP)
01/18/07 Nashua River Watershed Association
02/16/07 01/02/07
02/27/07 Department of Conservation and Recreation – ACEC Program
02/13/07 Town of Townsend Conservation Commission
02/15/07 Montachusett Regional Planning Commission
02/20/07 Massachusetts Department of Environmental Protection - CERO
(MassDEP)
02/22/07 Nashua River Watershed Association

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