



The Commonwealth of Massachusetts

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March 10, 2006

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CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE NOTICE OF PROJECT CHANGE

PROJECT NAME : Beaver Brook Estates
PROJECT MUNICIPALITY : Evergreen Road - Northampton
PROJECT WATERSHED : Mill River
EOEA NUMBER : 13057
PROJECT PROPONENT : John J. Hanley, Trustee
DATE NOTICED IN MONITOR : February 8, 2006

Pursuant to the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and Section 11.10 of the MEPA regulations (301 C.M.R. 11.00), I have reviewed the Notice of Project Change (NPC) submitted on this project and determine that it **does not require** an Environmental Impact Report (EIR) as originally required in the Secretary's Certificate on the project dated July 24, 2003.

The project originally consisted of the construction of 25 single-family homes and six townhouses. The site contained a four-unit apartment building, which was planned to be demolished. It has about 60 acres of mostly forested land. The proponent proposed a permanent conservation restriction on approximately 36.73 acres of the site. On July 24, 2003, the Secretary determined that the project required the preparation of an EIR. The Natural Heritage & Endangered Species Program (NHESP) identified the project site as located within Estimated and Priority Habitats for the Jefferson Salamander and Wood Turtle, which are two state-listed rare species.

The proponent submitted an NPC on January 14, 2005. The project now consists of the construction of 25 single-family homes. The proponent has sold off a 4.5-acre parcel along Route 9. This parcel will be developed with two buildings each containing three townhouses by another proponent. This Certificate reviews both the 25 single-family homes and the six townhouses to ensure that the entirety of the project undergoes environmental review. The proposed access driveway from Grove Avenue to three of the 25 proposed house sites has been eliminated by the

proponent. Access to these three single-family homes is now proposed from the cul-de-sac from Evergreen Road. The proposed detention basins located near Evergreen Road and west of vernal pool number 2019, have been eliminated by the proponent. All drainage will now be channeled into a single detention basin that will not impact the hydrology or water quality of the four vernal pools on the site. The City of Northampton has also taken a right-of-way for a proposed expansion of the bike path within the property. The project would be designed to link the proposed residential development to the new bike path. The proponent has increased the proposed permanent conservation restriction from 36.7 to 40.4 acres. Open space has also been increased from 6.92 to 17.664 acres.

The project will require a Sewer Extension/Connection Permit from the Department of Environmental Protection (DEP). The project may need to obtain an Indirect Access Permit from the Massachusetts Highway Department (MHD) for the 25 single-family homes and an Access Permit for the six townhouses onto Route 9. It will also need a Conservation Permit under the Massachusetts Endangered Species Act (MESA) from NHESP. The project must comply with the National Pollution Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. The proponent has received a negative determination from the Northampton Conservation Commission after reviewing its revised project plans.

Sidewalks are proposed by the proponent on one side of the proposed subdivision roadway onto Evergreen Road.

The project will be connected to the municipal water and wastewater systems. It is estimated that it will consume approximately 13,552 gallons per day (gpd) of water and will generate approximately 12,320 gpd of wastewater (based on 112 bedrooms).

The proponent has completed a habitat study, which includes a survey, for the Jefferson Salamander and the Wood Turtle. It has changed the configuration of the proposed Conservation Restriction Area as requested by the Natural Heritage and Endangered Species Program (NHESP). The NHESP has reviewed the proposed changes to the project and it has indicated in its comment letter of February 27, 2006, that it will be able to issue a Conservation & Management Permit pursuant to the Massachusetts Endangered Species Act (MESA) and upon completion of several details. The proponent has committed to incorporate any additional changes requested by the NHESP into the project plans. The project has been pulled back to be at least 300 feet away from the Mill River and 600 feet from Beaver Brook to protect the Wood Turtle habitat. There is a dedicated continuous wildlife corridor to insure that migratory patterns for breeding Jefferson Salamander are unaffected by the project and there will be continued opportunity for cross breeding between the two vernal pools where they live.

Based on a review of the information provided by the proponent and after consultation with the state permitting agencies, I find that the potential impacts of this project change do not warrant the preparation of an EIR and can be addressed through the local and state permitting

processes. I rescind the requirement to prepare an EIR, which was issued in the Certificate dated July 24, 2003. No further MEPA review is required for completion of the Beaver Brook Estates, as presented in this NPC.

March 10, 2006

DATE



Stephen R. Pritchard

Cc: Craig Givens, DEP/WERO

Comments received:

Daniel T. Keith, 2/14/06
Molly Hale, 2/15/06
Linda Butler and Jim Montgomery, 2/19/06
Lora Sandhusen and George Merriam, 2/20/06
Daniel and Sandy Glynn, 2/22/06
DEP/WERO, 2/23/06
Deb Jacobs, 2/26/06
MassWildlife, 2/27/06

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