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April 7, 2006

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

PROJECT NAME: Summit Lock Road
PROJECT MUNICIPALITY: Westfield
PROJECT WATERSHED: Connecticut River
EOEA NUMBER: 13748
PROJECT PROPONENT: The Anthony Botticello Revocable Trust/Attorney J.D. Labelle, Jr.
DATE NOTICED IN MONITOR: March 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).

As outlined in the Environmental Notification Form (ENF), the project proposes a conceptual master plan of development on a 91 +/- acre parcel located south of Summit Lock Road and east of Root Road in Westfield, MA. The plan proposes to subdivide 7 individual lots on approximately 27 acres of the site; to set aside approximately 60 acres of the site in a Conservation Restriction; and to set aside approximately 4 acres of the site in individual Conservation Easements that will be tied to the subdivided lots. The entire site is zoned as Industrial by the City of Westfield, and is also located within a Zone II Aquifer Recharge Area for the Barnes Aquifer. Potential impacts outlined in the ENF are based on the maximum build-out of the 7 proposed lots under current zoning. There are 20.3 acres of wetlands on the eastern side of the project site, including an area of open water on Brickyard Brook created by recent beaver activity. The remainder of the site is fallow agricultural field and forested upland.

The project is undergoing review pursuant to Section 11.03(1)(b)(2) and 11.03(2)(b)(2) of the MEPA regulations because the project will result in the creation of 8.9 new acres of

impervious surface and because the project may result in a “take” of an endangered, threatened or Species of Special Concern in accordance with the Massachusetts Endangered Species Act (M.G.L. c.131 a) and its implementing regulations (321 CMR 10.04). The project will require a Conservation Management Permit from the Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP); and the development of each individual lot will require a National Pollutant Discharge Elimination System (NPDES) Construction Activities Permit from the U.S. Environmental Protection Agency (EPA); a Special Permit from the City of Westfield for development in a Water Resource Protection District; and a Title V permit for septic from the Westfield Board of Health.

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 rare species.

The majority of the site (approximately 61 acres) overlaps with Priority Habitat 44 and Estimated Habitat 7333, which are designated by NHESP as habitat for the spotted turtle (*Clemmys guttata*), wood turtle (*Clemmys insculpa*) and eastern box turtle (*Terrapene carolina*). NHESP has determined that the project will result in a prohibited “take” of state listed rare species in accordance with the Massachusetts Endangered Species Act (MESA, MGL c131A) and its implementing regulations (321 CMR 10.00). The project will require a Conservation and Management Permit from NHESP. The proponent has been working with NHESP in advance of filing the application for the permit to ensure that the project meets performance standards pursuant to 321 CMR 10.23.

As indicated in the ENF, the project has undergone substantial revisions to avoid and minimize impacts to habitat. The proponent proposes to place a Conservation Restriction on approximately 60 acres of the site in an area that will be devoted to the management of rare turtle habitat. Future management of the area to be held under a Conservation Restriction will be provided to an interested land conservation organization. An additional 4 acres will be held as Conservation Easement areas within five of the lots to be developed, where limited stormwater management activities will be allowed within land managed as turtle habitat. In total, over 70% of the land will be permanently protected as turtle habitat. NHESP has stated in its comments on the ENF that it anticipates that a Conservation and Management Permit will be issued for the project upon completion of MEPA review.

The project as currently proposed will result in the creation of 8.9 acres of new impervious surface. The project’s stormwater management system will be permitted under the City of Westfield’s Special Permit because the site falls within a Water Resource Protection District, and under the Department of Environmental Protection’s Stormwater Management Policy. Stormwater detention ponds for each site to be developed will be placed within the conservation easement areas. The detention ponds will provide at least 80 % total suspended solids removal, and post construction flow rates will not exceed pre-construction flow rates. As noted at the site visit held for the project, the City of Westfield will require stormwater overflow for the subdivided lots’ drainage systems. This may be difficult to do on an individual basis as

each lot is developed and the proponent should consider extending the drainage easement behind the lots.

All wetland areas on site will be within the portion of the property to be protected by the Conservation Restriction, therefore the project will not impact resource areas with the exception of three limited corridors for stormwater management discharge from the developed portions of the site. The proponent should note comments from the Pioneer Valley Planning Commission (PVPC) with regard to the importance of preventing contamination of the Barnes Aquifer from accidental spills and or infiltration of contaminated stormwater. In addition to the proposed detention basins, PVPC recommends that the proponent implement an oil and grease pre-treatment system along the treatment chain prior to the detention basin and install a gate valve immediately upstream of the detention basin so as to isolate the infiltration system from contamination in the event of a hazardous spill.

I have determined that the ENF has sufficiently defined the nature and general elements of the project 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 project, as described in the ENF, requires no further review under MEPA. As the development project is conceptual at this point, the proponent should note that changes to the project as proposed in the ENF may require a Notice of Project Change pursuant to Section 11.10 of the MEPA regulations. The proponent should note comments from DEP regarding air pollution control and solid waste regulations that must be adhered to during construction.

April 7, 2006
Date



Stephen R. Pritchard

Comments Received:

3/27/2006 Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program
3/27/2006 Pioneer Valley Planning Commission
3/28/2006 Department of Environmental Protection, Western Regional Office

SRP/BA/ba