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May 25, 2007

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

PROJECT NAME : Century Mill Estates  
PROJECT MUNICIPALITY : Bolton  
PROJECT WATERSHED : Assabet River Basin  
EOEEA NUMBER : 14006  
PROJECT PROPONENT : Century Mill Limited Partnership  
DATE NOTICED IN MONITOR : April 25, 2007

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). However, as discussed below, a Notice of Project Change (NPC) and further MEPA review may be required depending on the final septic system design and the outcome of further consultations with the Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program.

The proposed project consists of construction of a 78-lot residential development on a 208-acre site with a groundwater supply well and on-site shared septic systems. According to the Environmental Notification Form (ENF) and a letter from the proponent, dated May 10, 2007, the proposed project will result in alteration of approximately 46 acres of land, which includes creation of approximately 9.16 acres of impervious area. The remainder of the 208-acre project site will remain as open space. A Conservation Restriction will be placed on 100 acres of the site, which includes Priority Habitat for state-listed species. The project will result in alteration of 2,880 square feet (sf) of Bordering Vegetated Wetlands (BVW), 52 linear feet of Bank, and 13,900 sf of Riverfront Area. Traffic impacts are estimated at 828 vehicle trips per day. Water and wastewater generation is estimated in the ENF at 39,050 gallons per day (gpd).

The project is undergoing review pursuant to Section 11.03(1)(b)(1) because it will result in alteration of 25 acres or more of land, Section 11.03(1)(b)(2) because it will result in creation of five or more acres of impervious area, and Section 11.03(2)(b)(2) because it may result in a

take of an endangered or threatened species or species of special concern. The project requires Water Supply Permits from the Massachusetts Department of Environmental Protection (MassDEP) and the proposed shared septic system is subject to MassDEP approval and oversight. The project requires an Order of Conditions from the Bolton Conservation Commission (and, upon appeal only, a Superseding Order from MassDEP). The project may require a 401 Water Quality Certification from MassDEP and a Conservation and Management Permit from the Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP). The project may require a National Pollutant Discharge Elimination System (NPDES) Stormwater Permit for construction activities from the U.S. Environmental Protection Agency (EPA).

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 Permits with the potential to cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to water supply, wastewater, rare species, wetlands, water quality, land, stormwater and drainage.

### Land Alteration

The proponent indicates (in a letter dated May 10, 2007) that the amount of land alteration will be influenced by septic system location and design, which cannot be finalized until subdivision plans are approved by the Town of Bolton. The proponent's preferred alternative, referred to as Scenario #2 in its letter, includes shared septic systems rather than individual septic systems for each lot to minimize tree clearing and land alteration. In its letter, the proponent indicates that an alternative design (Scenario #1) to accommodate the use of individual septic systems for each lot would increase land alteration and impervious area. This alternative may also affect a greater area of rare species habitat. I remind the proponent that an EIR will be required if the proponent chooses to proceed with Scenario #1 and/or with individual on-site septic systems since this design would result in approximately 70 acres of land alteration and 12 acres of imperious area, and therefore exceed thresholds for a mandatory EIR. A Notice of Project Change (NPC) should be filed if the proposed project will meet or exceed any EIR threshold.

### Rare Species

Portions of the project are located within the actual habitat of the Four-toed Salamander (*Hemidactylium scutatum*) which is a state-listed species of Special Concern. The proponent has been in consultation with NHESP regarding project revisions that will minimize impacts to the Four-toed Salamander and its habitat. The proponent has reconfigured the development to increase the distance between breeding habitat and the limits of work. As further detailed in the comment letter from NHESP, the proponent has submitted a Notice of Intent and Massachusetts Endangered Species Act (MESA) filing for the project and committed to placing a Conservation Restriction on open space parcels. The Conservation Restriction language and a recordable plan should be sent to NHESP for review and approval prior to recording. No work should occur on

the site prior to recording of the Conservation Restriction, as required by NHESP. The NHESP should be notified of any changes in the project or project schedule that may affect habitat of any state-listed wildlife species. The Town of Bolton Planning Department commented that a marbled salamander was found onsite by its Conservation Commission. The proponent should consult with the Conservation Commission and NHESP on this issue to determine if any additional rare species issues need to be addressed.

The ENF plans appear to be consistent with the MESA filing with the exception of the proposed groundwater supply well. Based on the ENF, it appears that the project would not result in a prohibited take, and does not require a Conservation and Management Permit. However, in its comment letter, the NHESP notes that the proposed well was not depicted on site plans previously reviewed by NHESP. NHESP is concerned about potential impacts of the well on Ponding Areas A, E, I and Z, and the ENF does not provide sufficient information for NHESP to determine if the proposed well would adversely impact state-listed species. The proponent should continue consultation with NHESP regarding the proposed well and other aspects of project design, including the septic systems. The proponent may be able to resolve state-listed species issues through additional consultation with NHESP. However, if NHESP believes that the project would constitute a take, based on the results of pump tests, and/or if a Conservation and Management Permit is required, the proponent should submit a NPC for the project.

#### Wetlands and Stormwater Management

The project includes two roadway crossings, which will result in wetland resource impacts. The road "A" crossing at the intermittent stream channel "J" will result in temporary impacts to 52 feet of channel Bank. The second roadway crossing on road "C" at wetlands series "Q" will result in approximately 2,880 sf of permanent wetlands alteration, which will be replicated at a 2:1 ratio.

The proponent indicated at the site visit that deed restrictions will be placed on individual lots to protect wetland resources. As noted by MassDEP in its comment letter, a 401 Water Quality Certification will be required for the project unless a recorded deed restriction has been executed pursuant to 314 CMR 9.04(3) and the requirements under 314 CMR 9.03(1) have been met. Stream and wetlands crossings should be constructed during no-flow conditions to prevent turbidity and sedimentation to wetlands resource areas.

Stormwater management controls for the proposed project include closed pipe and open channel drainage collection systems, two infiltration basins and seven detention basins. The stormwater management system has been designed in accordance with the Town of Bolton rules and regulations and the MassDEP Stormwater Management Policy. According to the ENF, the system has been designed to limit runoff rates and volumes to pre-development conditions and provide adequate water quality treatment. The proponent should ensure that the proposed underground infiltration system is installed under the close supervision of an engineer or other competent individual, with an Operations and Maintenance Plan in place, to ensure that the system will function as intended. The proponent should consult with the Bolton Town Planning

Department to address the issues raised in its comment letter regarding compliance with the Massachusetts Stormwater Management Policy.

### Wastewater

The proponent proposes to install Title 5 shared septic systems. As noted in its comment letter, MassDEP supports this decentralized concept for wastewater disposal. The ENF indicated that no MassDEP permits would be required for the on-site septic systems. However, pursuant to 310 CMR 15.293, prior to construction of any shared system, the proponent is required to submit to MassDEP a copy of the complete application and approval from the local authority. MassDEP then has thirty days to request additional information, grant a written approval, or formally deny the local approval. Although this presumptive approval process does not grant a separate state permit, MassDEP retains its review oversight on all the shared systems.

### Water Supply

Based on the ENF, the project will require 39,050 gpd of water. MassDEP indicates that this calculation is conservative with regard to estimating the Zone I radius since it was developed using Title 5 estimates for 71 five-bedroom homes. The proponent indicates that most homes will have four bedrooms. The proponent will be required to file water supply permit applications to MassDEP as further detailed in its comment letter. During the permitting process, the proponent should finalize plans regarding operation and maintenance of the public water supply, as well as ownership of the land within the Zone I radius.

The Town of Bolton in its comment letter noted that the project would require significant cuts into an existing steep slope off Century Mill Road, and would likely require blasting. The proponent should ensure that adequate measures are in place to avoid any adverse impacts to water supply associated with perchlorate-containing blasting materials. I refer the proponent to the MassDEP Memorandum entitled "Potential Environmental Contamination From the Use of Perchlorate-Containing Explosive Products" available at <http://www.mass.gov/dep/cleanup/laws/blasting.htm>

### Construction Impacts

The Town of Bolton Planning Department highlighted the need for slope stabilization and noted concerns regarding aesthetics, impact of blasting to nearby residents, and erosion control during the construction period. The proponent should ensure that adequate erosion and sedimentation controls are in place to avoid and minimize any construction-related impacts to wetlands resources. I also encourage the proponent to consult with the Town of Bolton on these issues and to implement a management plan to avoid and minimize construction-related impacts.

### Archaeological and Historical Resources

The Massachusetts Historical Commission (MHC) has requested that an intensive (locational) archaeological survey (950 CMR 70) be conducted in order to locate and identify any significant historic or archaeological resources that may be affected by the project. As further detailed in the MHC comment letter, a Community-Wide Archaeological survey was prepared for the Town of Bolton in 2001, and portions of the project site are considered archaeologically sensitive and likely to contain significant archaeological sites. Some of the sensitive areas will be protected as they are included in the 100-acre area proposed for a Conservation Restriction. However, portions of the site proposed for development also contain archaeologically sensitive areas. Therefore, I strongly encourage the proponent to conduct an archaeological survey as requested by MHC, and to consult with MHC regarding appropriate measures to avoid, minimize, or mitigate any adverse effects to significant archaeological resources.

### Mitigation

The proponent has committed to the following measures to avoid, minimize and/or mitigate environmental impacts:

- measures to protect rare species habitat including a Conservation Restriction on approximately 100 acres of the project site;
- use of shared septic systems to minimize land alteration and tree clearing;
- a stormwater management system designed in accordance with the MassDEP Stormwater Management Policy; and
- wetlands replication at a ratio of 2:1 (5,760 square feet of wetlands will be replicated as mitigation for 2,880 sf of BVW alteration).

### Sustainable Design

I encourage the proponent to consider high-performance/green building and additional sustainable design measures to avoid and minimize environmental impacts. Sustainable design measures, which can reduce project development and long-term operational costs, may include:

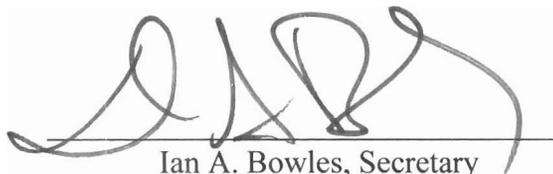
- EnergyStar Certification and Leadership in Energy and Environmental Design (LEED) Certification for Homes;
- water conservation and reuse of wastewater and stormwater;
- ecological landscaping;
- green roofs;
- use of Low Impact Development (LID) techniques (the proponent may find the following web sites useful [www.mass.gov/envir/lid](http://www.mass.gov/envir/lid) and [www.lid-stormwater.net](http://www.lid-stormwater.net) , and: <http://www.epa.gov/owow/nps/lid/>).
- optimization of natural day lighting, passive solar gain, and natural cooling;

- use of energy efficient Heating, Ventilation and Air Conditioning (HVAC) and lighting systems, appliances and other equipment, and use of solar preheating of makeup air;
- favoring building supplies and materials that are non-toxic, made from recycled materials, and made with low embodied energy;
- implementation of a solid waste minimization and management plan; and
- provision of easily accessible and user-friendly recycling system infrastructure.

Based on review of the ENF, comment letters received and consultation with relevant agencies, I find that impacts associated with the proposed project do not warrant further MEPA review. I am satisfied that many of the outstanding issues can be adequately addressed during the state and local permit and review processes. However, there remains some uncertainty about the septic system design and rare species impacts associated with the proposed well. Therefore, a NPC will be required if individual on-site septic systems are proposed, or if the project meets or exceeds any EIR threshold. A NPC will also be required if NHESP determines that the proposed project will result in a take, and/or if a Conservation and Management Permit is required.

May 25, 2007

DATE



Ian A. Bowles, Secretary

Comments Received:

4/27/07	Andrea Gilbert
5/03/07	Massachusetts Historical Commission
5/10/07	<b>Jeremy R. Downs, GCG Associates, Inc.</b> (on behalf of the proponent)
5/14/07	Department of Environmental Protection, Central Regional Office
5/15/07	Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program
5/15/07	Nathaniel Tipton, Bolton Town Planner

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