



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street, Suite 900

Boston, MA 02114-2524

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

STEPHEN R. PRITCHARD
SECRETARY

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

March 24, 2006

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

PROJECT NAME	: Borgatti Property
PROJECT MUNICIPALITY	: Northborough
PROJECT WATERSHED	: Assabet River
EOEA NUMBER	: 13708/12348
PROJECT PROPONENT	: Brendon Properties Two, LLC/Assabet River Consortium
DATE NOTICED IN MONITOR	: January 11, 2006

As Secretary of Environmental Affairs, I have reviewed this Notice of Project Change (NPC)/Phase I Waiver Request from the Assabet River Consortium (EOEA# 12348) pursuant to the Massachusetts Environmental Policy Act (M.G.L. c.30, ss. 61-62H) and Section 11.11 of the MEPA regulations, and hereby **deny** the Waiver request. However, as discussed in greater detail below, I will revisit the proponent's Notice of Project Change (NPC)/Phase I Waiver Request as part of my review of the Final EIR for this project.

Project Description:

As described in the Environmental Notification Form (ENF), the proposed project consists of construction of 570,000 square feet (sf) of retail/restaurant space and a 350-unit apartment complex on a 157 acre site in Northborough, MA. The project includes associated access drives, parking (3,398 spaces) and utilities. The site is located along the western side of Route 20 in Northborough. It is bounded to the west by a residential area in Shrewsbury, to the North by land owned by the Water Resources Commission and Bigelow Nurseries, and to the east and south by residential, commercial and vacant land located on Route 20 and Route 9. Potential environmental impacts are associated with the alteration of 120 acres of land, creation of 80 acres of impervious surfaces, alteration of 3,000 sf of bordering vegetated wetland (BVW), generation of 23,198 average daily trips (adt), use of 120,000 gallons per day (gpd) of water and generation of 120,000 gpd of

wastewater. Efforts to avoid, minimize and mitigate impacts include roadway improvements and construction of a stormwater management system.

The project is undergoing MEPA review and subject to preparation of a mandatory EIR pursuant to Section 11.03 (1)(a)(1), (1)(a)(2), (6)(a)(6) and (6)(a)(7) because it requires a state permit and will alter more than 50 acres of land, create more than 10 acres of impervious surfaces, generate more than 3,000 vehicle trips per day (vtd) and create more than 1,000 parking spaces. The project requires a Sewer Connection Permit from the Department of Environmental Protection (DEP) and an Access Permit from the Massachusetts Highway Department (MHD). Also, it requires an Order of Conditions from the Northborough Conservation Commission (and a Superseding Order of Conditions from DEP in the event that the local Order is appealed). The proponent is not seeking financial assistance from the Commonwealth for the project, therefore MEPA jurisdiction extends to those aspects of the project that may cause significant damage to the Environment and that are within the subject matter of required or potentially required state permits. These include traffic, wetlands, drainage, water quality and wastewater.

Assabet River Consortium – NPC/Phase I Waiver Request:

The Town of Northborough together with the Towns of Hudson, Maynard, Shrewsbury, and Westborough, and the City of Marlborough have joined to form the Assabet River Consortium to prepare a Comprehensive Wastewater Management Plan/Environmental Impact Report (CWMP/EIR, EOE# 12348) to address short term- and long-term regional issues relating to the wastewater treatment and disposal and nutrient loading in the Assabet River on a basin-wide basis. The goals of the CWMP/EIR are to identify environmentally sustainable treatment alternatives that respond to the communities' needs, meet water quality and public health standards, reduce phosphorous loading, and increase water levels in the Assabet River and its tributaries.

The Certificate on the ENF for the Consortium required that prior to completion of MEPA review for the Consortium CWMP, projects located within the Consortium communities that seek sewer extension permits from the DEP will also require a Phase I waiver from the EIR requirement for the Consortium. The project proponent has requested such a waiver in a Notice of Project Change (NPC) published in the Environmental Monitor on February 22, 2006, and has provided additional information in support of that request.

Phase I Waiver Request:

The proponent requested a Phase I Waiver to construct the proposed mixed-use retail/residential development project in advance of the preparation and completion of the Comprehensive Wastewater Management Plan for the Assabet River. According to the comments received from DEP, the project site is not located in an area of need as identified by the Town of Northborough in its Phase I – Needs Analysis portion of the CWMP/EIR (March 2001).

The Town of Northborough, together with the Towns of Hudson, Maynard, Shrewsbury, and Westborough, and the City of Marlborough, have joined to form the Assabet River Consortium to prepare a Comprehensive Wastewater Management Plan/Environmental Impact Report (CWMP/EIR, EOE# 12348) to address short term- and long-term regional issues relating to the wastewater treatment and disposal and nutrient loading in the Assabet River on a basin-wide basis. As described in the Secretary's Certificate on the ENF for the Assabet Consortium CWMP (November 8, 2000), any project located within the Assabet Consortium Comprehensive Wastewater Management Plan area requiring a sewer extension permit must submit a Notice of Project Change (NPC)/Phase I Waiver Request with MEPA, demonstrating that the project meets the criteria set forth in the MEPA Regulations, 301 CMR Section 11.11, including an evaluation of alternatives to sewers (e.g. on-site disposal), and the proposal of adequate impact mitigation (water conservation and Infiltration and Inflow 'I/I' removal).

The project proponent has requested such a waiver in an NPC published in the Environmental Monitor on February 22, 2006. I have reviewed this NPC, and hereby deny the Phase I Waiver request. The proponent's Phase I Waiver Request has not demonstrated that the project site cannot accommodate on-site septic systems, nor did the proponent commit to incorporating water conservation technologies in the project and removing Infiltration and Inflow (I/I) from the municipal sewer system to help offset the additional flows (120,000 gpd) anticipated from the proposed project. The EIR for this project must respond to DEP's comments. The proponent should work with the DEP and the Town of Northborough to satisfactorily respond to DEP's I/I removal requirement to ensure the availability of sufficient wastewater treatment capacity to service this project. I will revisit the proponent's Notice of Project Change (NPC)/Phase I Waiver Request as part of my review of the Final EIR for this project.

The proponent need not resubmit the NPC/Phase I Waiver Request. However, the EIR should include sufficient information to satisfy the criteria for the granting of a Phase I Waiver, and must demonstrate that an on-site system is not feasible. The proponent should consult with DEP regarding the appropriate study protocol. If the proponent determines that an on-site system is not feasible, the EIR should identify the facility that will accept and manage the wastewater and demonstrate that adequate capacity is available to serve the project. In addition, the proponent should commit to participating in DEP's flow control program to remove extraneous clean water (infiltration and inflow (I/I)) from the sewer system. The EIR should also identify responsibility for sewer and pump station operations and maintenance.

I strongly encourage the proponent to incorporate water conservation technologies including low flow (1.6 gallon) flush toilets and urinals, .05 gallon/minute aerators, and low flow appliances (dishwashers, washing machines) throughout the proposed mixed-use retail development project. The proponent should consult with DEP to ensure that the final project design meets the Commonwealth's water conservation standards, including those standards pertaining to lawn and landscape conservation. The proponent should also consider developing an Irrigation Management Plan (IMP) to further reduce the project's irrigation water demand. The proponent's IMP should include the use of

xeroscaping, 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. The proponent should consult with DEP in the final design of the project's landscape plan.

March 24, 2006
DATE


Stephen R. Pritchard, Secretary

Comments received:

03/22/06 MA Department of Environmental Protection - CERO

NPC12348/13708 – Borgatti Property
SRP/NCZ/ncz