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April 17, 2009

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Stony Brook Estates
PROJECT MUNICIPALITY : Holden
PROJECT WATERSHED : Wachusett Reservoir/Nashua River
EEA NUMBER : 13874
PROJECT PROPONENT : Blair Enterprises, Inc.
DATE NOTICED IN MONITOR : March 11, 2009

As Secretary of Energy and Environmental Affairs, I hereby determine that the Final Environmental Impact Report (FEIR) submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62I) and with its implementing regulations (301 CMR 11.00).

Project Description

The proposed project consists of construction of a 78-unit single-family home subdivision with associated roadways and other infrastructure. The 66-acre project site is an undeveloped wooded site containing steep slopes and critical wetland resources. It is located within the drainage area to the Wachusett Reservoir, which is a Class A Public Water Supply.

The project will result in alteration of approximately 38.8 acres of land, including 9.3 acres of new impervious area. Overall land alteration is approximately 9 acres less than estimated at the time of the Draft EIR filing. The proponent indicates that previous estimates were inaccurate and the FEIR includes revised estimates based on the Definitive Subdivision Plans. Wetlands impacts proposed at the Environmental Notification Form (ENF) stage were avoided due to realignment of the roadway and elimination of a stream crossing.

The project involves construction of approximately 1.2 miles of new water mains, 1.8 miles of new sewer mains and a pump station, and 1.2 miles of new roadways. The FEIR proposes a conventional stormwater management system consisting of catch basins with sump pumps that will discharge via a series of manholes and drain pipes to three detention basins. Stormceptor units will be installed to treat water prior to discharge to the detention basins. Proposed Low Impact Development (LID) techniques include landscape features to capture and infiltrate runoff, reductions in lot disturbance, and conservation areas. The proposed project will include three conservation easements on 20.85 acres of the project site. Approximately 27 acres of the site will remain as undisturbed area.

MEPA History

The Secretary's Certificate on the ENF for the project, issued November 9, 2006, required an Environmental Impact Report (EIR). Although the project did not exceed mandatory EIR thresholds, an EIR was required because of the potential for significant environmental impacts associated with the project and the need for more information on baseline conditions, alternatives and proposed measures to avoid, minimize or mitigate impacts. The proponent subsequently filed a Notice of Project Change (NPC) that proposed elimination of the wetlands crossing to avoid filling of an ORW, and relocation of a sewer force main discharge point, which avoided the need for a second pumping station. The Certificate on the NPC, dated August 8, 2008, required that the proponent submit a draft EIR to address other aspects of the Scope in accordance with the ENF Certificate. The NPC Certificate also amended the Scope by deleting certain items that were no longer applicable due to the elimination of the wetlands crossing. The proponent subsequently filed a Draft EIR in November 2008. The Certificate on the DEIR, dated January 16, 2009, determined that the Draft EIR adequately and properly complied with MEPA and its implementing regulations, and required a FEIR to provide additional information and analysis on alternatives and sustainable design, stormwater management, and wastewater.

Jurisdiction and Permitting

The project is undergoing environmental review pursuant to Section 11.03(1)(b)(1) and (2) of the MEPA regulations because it will result in alteration of twenty-five or more acres of land and creation of five or more acres of new impervious area. The project is also under review pursuant to Section 11.03(4)(b)(6) because it requires a Variance from the Watershed Protection Act and Section 11.03(5)(b)(3)(c) because it involves construction of one-half or more miles of new sewer mains.

The project requires a Variance from the Watershed Protection Act from the Massachusetts Department of Conservation and Recreation (DCR). The project requires a Sewer Extension Permit and a Water Supply Distribution System Modification Permit from the Massachusetts Department of Environmental Protection (MassDEP). I note that a 401 Water Quality Certificate is no longer needed from MassDEP since the project has been modified to avoid filling the ORW wetland area. An Order of Conditions for the project was issued by the Holden Conservation Commission in February 2008. As noted in the MassDEP comment letter, the Order is final and no action is required by MassDEP under the Wetlands Protection Act. The project requires coverage under the U.S. Environmental Protection Agency (EPA) National

Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities. The Stormwater Pollution Prevention Plan (SWPPP) required under the NPDES permit must be reviewed and approved by MassDEP.

The proponent is not seeking financial assistance from an agency of the Commonwealth. Therefore, MEPA jurisdiction is limited to those aspects of the project that are within the subject matter of any required or potentially required state permits and that may cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to wastewater, water supply, water quality, and stormwater.

Review of the FEIR

Alternatives and Sustainable Design

As further discussed in the FEIR, the proponent reviewed the Smart Growth/Smart Energy Toolkit and consulted with the Town Engineer at Holden regarding various LID techniques under consideration. The proponent was unable to obtain agreement from the Town for a proposed reduction in road width, elimination of sidewalks and use of pervious pavement to reduce impervious area.

The proponent has committed to use bio-retention in the cul-de-sac islands pending Planning Board review and approval. The proponent will also incorporate rain gardens on 25 percent of the lots. Construction of rain gardens and provision of rain barrels will be offered as options to owners of all lots.

The proponent has committed to conservation easements (on 20.85 acres) to protect resource areas on the project site. The proponent should provide additional information to DCR during permitting to clarify the identity of the easement holder, the authority responsible for enforcement of the terms of the conservation easement, and to ensure that the easement is perpetual.

Water Quality

The proponent has prepared a lot phasing plan to minimize the number of lots open for construction at any one time. As recommended by DCR, lots that are not yet open for construction should be left in their natural state with minimal clearing and grading to avoid significant erosion to wetlands that could occur if building lots are fully cleared and graded before they are phased in for construction.

Stormwater and Drainage

The FEIR includes a Draft Stormwater Pollution Prevention Plan (SWPPP). The proponent should prepare a revised SWPPP for MassDEP as recommended in its comment letter, to meet the requirements of the NPDES Construction General Permit and the MassDEP approval process.

According to the FEIR, a Homeowners Association will be established to address stormwater management and maintenance of the proposed detention basins. The FEIR indicates that the Association regulations will notify homeowners of the open space easement areas within the development and the potential requirement for an Advisory Ruling from DCR for any additional lot disturbance. The proponent should ensure that Best Management Practices (BMPs) inspections are performed by personnel who are knowledgeable in the principles and practices of erosion and sediment control, possess the technical skills to assess the conditions at the construction site that could impact stormwater quality, assess the effectiveness of any sediment and erosion control measures selected, and recommend corrective action.

Wastewater

The proposed wastewater system consists of an 8-inch gravity sewer transporting sewage from residences to a 400-gallons per minute (gpm) pump station and 8-inch force main extending 3,820 feet to the existing municipal sewer. The proposed sewer will become the property of the Town of Holden after installation. The FEIR indicates that the proponent has submitted a sewer extension permit application to MassDEP. As noted in MassDEP's comment letter, the latest force main design fails to meet TR 16 design guidelines for recommended minimum velocity (3 feet per second) and the proposed pumping capacity (400 gpm) appears to be excessive for the proposed design flow of the project (33,000 gpd or 23 gpm). The FEIR indicates that the proposed sewer system is to serve the project only and not any additional flows from off-site. However, according to MassDEP, the proposed pump station is over-sized for the project. As designed, it will increase retention time and contribute to odor and gas generation, and other operation problems. The Town has agreed to work with the proponent to address this issue. MassDEP indicates that the pump system design may be addressed through the permit process if the same sewer system is retained. MassDEP will require additional information from the proponent to demonstrate the need for the system as sized or may require revised design plans. I remind the proponent that revisions to the project as proposed in the FEIR may require a Notice of Project Change (NPC).

Mitigation and Section 61 Findings

The FEIR includes proposed Section 61 Findings for use by MassDEP in the Sewer Extension Permit process and by DCR in consideration of the proponent's Watershed Protection Act Variance application. The FEIR includes commitments to the following mitigation measures.

Wastewater

- Water conservation measures, including low flow fixtures, will be used in construction;
- An awareness program will be established to minimize wastewater generation and ensure ongoing water conservation;
- New sewer mains and sewer pump station will be constructed in accordance with the Town of Holden Department of Public Works standards; and
- The proposed force main located within 100 feet of a surface water tributary will be made of water-tight construction.

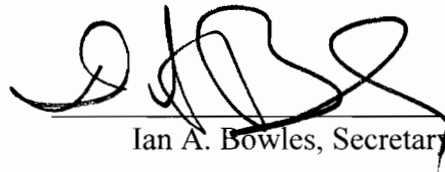
Water Quality, Wetlands, and Stormwater

- The proponent has eliminated the proposed wetlands crossing to avoid Bordering Vegetated Wetlands (BVW) and Bank alteration;
- Detention basin outlet piping has been relocated further away from wetlands areas;
- Three conservation easement areas will be established to permanently protect 20.85 acres as open space;
- A lot phasing plan will be implemented to minimize the number of lots under construction at any one time and thereby avoid and minimize erosion and related wetlands impacts;
- Rain gardens will be established on 25 percent of the lots to promote infiltration;
- Bioretention areas will be constructed within cul-de-sacs if approved by the Town of Holden Planning Board;
- The proponent will offer homeowners the option of installing rain gutters and provide rain barrels to collect rainwater for irrigation use; and
- A Homeowner's Association will be established and will include regulations pertaining to stormwater management, maintenance of detention basins, and open space protection.

Based on review of the FEIR and comments received, I am satisfied that the FEIR adequately and properly complies with MEPA. Outstanding issues can be address through the state and local permitting process. No further MEPA review is required. The project may proceed to permitting. I remind state agencies to forward copies of the final Section 61 Findings to the MEPA Office for the project file.

April 17, 2009

DATE



Ian A. Bowles, Secretary

Comments Received:

3/26/09 Department of Environmental Protection, Central Region Office
4/10/09 Department of Conservation and Recreation, Division of Water Supply Protection

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